



Environment and Sustainable Communities Overview and Scrutiny Committee

Date **Wednesday 23 November 2022**
Time **9.30 am**
Venue **Council Chamber, County Hall, Durham**

Business

Part A

Items which are open to the public and press. Members of the public can ask questions with the Chair's agreement and if registered to speak

1. Apologies
2. Substitute Members
3. Minutes of the meeting held on 6 October 2022 (Pages 3 - 12)
4. Declarations of Interest
5. Items from Co-opted Members and other Interested Parties
6. Fly Tipping - Update
 - a) Report of the Corporate Director of Neighbourhoods and Climate Change (Pages 13 - 16)
 - b) Presentation by the Neighbourhood Protection Manager (Pages 17 - 40)
7. Air Quality Management - Update
 - a) Joint Report of the Corporate Director of Neighbourhoods and Climate Change and the Corporate Director of Regeneration, Economy and Growth (Pages 41 - 54)
 - b) Presentation by the Environmental Protection Manager, the Head of Transport and Contract Services and the Strategic Traffic Manager (Pages 55 - 74)

8. Allotment Improvement Programme - Update
 - a) Report of the Corporate Director of Neighbourhoods and Climate Change (Pages 75 - 118)
 - b) Presentation by the Head of Environment (Pages 119 - 128)
9. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
15 November 2022

To: **The Members of the Environment and Sustainable Communities Overview and Scrutiny Committee**

Councillor B Coult (Chair)
Councillor J Elmer (Vice-Chair)

Councillors E Adam, P Atkinson, L Brown, J Charlton,
L Fenwick, G Hutchinson, C Kay, C Lines, B McAloon,
I McLean, R Manchester, C Martin, D Nicholls, R Potts,
J Purvis, J Quinn, T Stubbs, D Sutton-Lloyd and S Townsend

Co-opted Members

Mr T Cramond and Mr P Walton

Contact: Jill Hogg

Tel: 03000 269711

DURHAM COUNTY COUNCIL

At a meeting of the **Environment and Sustainable Communities Overview and Scrutiny Committee** held in **Committee Room 2, County Hall, Durham** on **Thursday 6 October 2022 at 9.30 am**

Present:

Councillor B Coult (Chair)

Members of the Committee:

Councillors J Elmer (Vice-Chair), E Adam, L Brown, J Charlton, L Fenwick, G Hutchinson, I McLean, R Manchester, D Nicholls, J Purvis, J Quinn and T Stubbs

1 Apologies

Apologies were received from Councillors P Atkinson, C Kay, C Martin and S Townsend and from Co-opted Members T Cramond and P Walton.

2 Substitute Members

Councillors B Kellett and K Rooney substituted for Councillors S Townsend and C Martin respectively.

3 Minutes

The minutes of the meeting held on 22 July 2022 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Items from Co-opted Members and other Interested Parties

It was noted that Co-opted Members, Mr Cramond and Mr Walton who were unable to attend the meeting had emailed the Overview and Scrutiny Officer prior to the meeting and submitted questions in relation to items 6a and 6b. Mr Cramond and Mr Walton had confirmed they were happy for written responses to be provided following the meeting. The questions and responses once available would be circulated to all Members of the Committee for their information.

6 Strategic Waste

The Committee considered reports of the Corporate Director of Neighbourhoods and Climate Change which provided updates on resources and waste management services in County Durham and single use plastics (for copies of reports and presentation see file of minutes).

Jo Blackie, Contracts Team Manager for Neighbourhoods and Climate Change, attended the meeting to deliver the presentation which encompassed both reports and included an evaluation of performance following the Covid-19 pandemic. Noting the increase in the amount of waste generated both during and after the pandemic, the Contracts Team Manager referred to the council's role to educate the public to view waste as a resource and to be mindful that recycled products are required to be as high quality as possible, in order to return to the manufacturing process.

The Committee heard that Durham was the largest producer of waste in the north-east and, in the last year, it produced approximately 270,000 tonnes of waste. The next largest producer in the north-east was Northumberland which produced 176,000 tonnes, followed by Newcastle which produced 140,000 tonnes.

The report provided detail as to how the impact from the pandemic continued to affect areas of performance, with the recycling rate reducing from 42% to 38% for the first quarter of the year and a 10% increase in landfill since Covid. The Contracts Team Manager explained the lack of regional facilities to process residual waste and, with all neighbouring local authorities observing an increase in residual waste during the pandemic, the result had been a lack of capacity overall which contributed to the increase in landfill. With authorities competing against each other in order to secure processing capacity, in the future, an increased multi-agency approach is expected to be adopted and the Committee received information on the Tees Valley Energy Recovery Facility Procurement partnership exercise to procure a 450,000 tonne residual waste treatment facility.

A further impact of the pandemic was the increase in kerbside residual waste due to national lockdowns which saw an increase in consumption and more waste generated from households. The Contracts Team Manager remarked that a new baseline was emerging with the transition to home and hybrid working.

On a more positive note, the Contracts Team Manager highlighted the increase in the collection of kerbside garden waste and a decrease in the amount of garden waste taken to Household Waste Recycling Centres. However, it was noted that financial pressures may lead to a decline in the number of people signing-up for the garden waste service in the future.

The Contracts Team Manager informed the Committee that garden waste was delivered to the council's composting facility located at Coxhoe and it was available for resale to businesses and the general public. The officer suggested that the Committee may wish to visit the facility in the future.

In terms of the increase in kerbside recycling in relation to both dry mixed recycling and glass during the pandemic, the Contracts Team Manager informed the Committee that there was evidence that dry mixed recycling was returning to pre-Covid levels however the increase in glass recycling continued. Durham was one of the highest producers of household waste sent for reuse, recycling and composting and was performing better than Northumberland and Newcastle.

The Committee was provided with information on publicity campaigns that have been reinstated following the pandemic, to encourage more awareness of 'what goes where' and waste reduction and reuse. Good progress was reported in terms of single use plastics which had enabled the objective of the campaign to change its focus to the life cycle of catering products.

The amount of contamination of recycling had increased during the pandemic and this had continued with the current contamination rate being approximately 38% and of that approximately 26% was waste including nappies and pet waste. The Committee heard of the campaigns to combat contamination with refreshed educational stickers being placed on bins and ongoing social media campaigns to promote public awareness.

The Contracts Team Manager outlined the targeted campaigns to encourage the student population of Durham to act responsibly in terms of recycling. Partnership work was also being carried out with charities with regard to furniture reuse schemes, with some of the recycled furniture being used to resettle refugees.

The Committee thanked the Contracts Team Manager for the detailed presentation and Members made comments and asked questions as follows.

Councillor Adam asked for information as to what measures were in place to deal with non-kerbside waste. The Contracts Team Manager explained that a reprocessing plant at Birtley was used for the processing of street sweepings and the plant was one of only two in the north-east. In terms of litter, trials of on-street recycling had been carried out which found a high contamination rate. The Contracts Team Manager commented that it is hoped that government legislation may introduce a deposit return scheme in the future. The Committee noted that a full recycling service was offered for commercial waste and trade waste collection statistics had increased during the first quarter of the year. Other projects included work with the Clean and Green team to segregate and recycle fly-tipping as far as possible.

Councillor Adam expressed concern that the amount of landfill was not reducing and the Contracts Team Manager responded that there was an increased impetus to raise public awareness and the service continued to work with contractors and use the best available technology, however it was clear that government legislation was required for a step-change.

Councillor Adam commented on the significant amount of good work undertaken to reduce the use of single use plastics and urged the council to do more to reduce their use at council events such as food festivals. The Contracts Team Manager agreed to pass the comment to the Waste Strategy Team.

Councillor Nicholls referred to the contamination of recycling which he had observed on the site visit and he expressed concern that members of the public did not appreciate that contaminated products are removed, by hand, by staff at the sorting facilities and he asked what more could be done to deal with those who refuse to recycle. Councillor Nicholls further asked whether more could be done to recycle as much material as possible from community litter picks and he also enquired about the latest position in relation to food waste.

The Contracts Team Manager explained the council operated an education rather than enforcement approach which allowed crews to check bins for contamination. The refreshed stickers on bins were designed to educate the public as to the correct disposal of waste and there was a move towards rejecting more bins at the kerbside. A notice placed on a rejected bin would be logged by the in-cab technology in order that when a resident complained that their bin had not been emptied, they would be informed as to the reason why and what they were required to do to rectify the situation.

In response to the question on waste produced from litter-picks, the Contracts Team Manager informed the Committee that Biffa employees had carried out a trial pre-Covid and that it was the intention of the team to pick this up again. With regard to food waste, the officer explained the service is anticipating future changes within the detail of the Environment Act 2021. Preparatory work had been carried out on a costing exercise for a separate food waste collection system. The Contracts Team Manager also highlighted that a new primary school catering contract was in place with all food waste being deposited into one food waste plant.

In response to a question from Councillor Charlton, the Contracts Team Manager clarified that the council had no active landfill sites operating in County Durham and the site at Coxhoe was a closed site.

Councillor Stubbs referred to kerbside recycling and asked about its composition. The Contracts Team Manager clarified that the 38% contamination figure included 26% waste and the remainder was non-target recyclable material.

Referring to the 2021/22 figure, the Contracts Team Manager explained that of the 49,039 tonnes, approximately 9,000 tonnes was glass and approximately 40,000 was material placed in recycling bins and it was 38% of the 40,000 tonnes that was contaminated. The Contracts Team Manager agreed to provide a detailed breakdown of kerbside recycling.

Councillor Quinn referred to the improper disposal of lithium batteries and vapes and suggested that the current practice of using plastic collection boxes was not suitable due to the hazardous nature of these materials. He expressed the view that a safe and convenient way for residents to dispose of these items was required. The Contracts Team Manager agreed to feedback Councillor Quinn's comments and added that the issue was a national issue and a topic for discussion at the National Recycling Conference.

Councillors Elmer and McLean commented on the carbon capture scheme process which involves compression of gaseous CO₂ into a liquid form, and the piping of this liquid into voids beneath the North Sea, noting that the work will be delivered by BP and other contract partners. Members requested assurances from BP that the liquified CO₂ will not itself be used to pressurise voids to enable the further extraction of natural gas and oil. They requested further information as to the level of energy usage and carbon emissions associated with the carbon capture scheme process. Members also asked whether the carbon capture scheme operations are regulated and inspected, and if so which body is responsible for oversight of operations in order that the council might gain assurances that the scheme activities are conducted in accordance with contractual obligations. The Contracts Team Manager agreed to follow up these questions for a response to be provided.

Councillor Charlton emphasised the importance that publicity materials use plain English and are relatable and she also pointed out that the report referenced that a number of small electrical recycling points were situated throughout the county and requested that the locations of these recycling points be highlighted in publicity campaigns. The Contracts Team Manager agreed to feedback the comment and informed members that the service was in the process of creating a toolkit for Members to share on their social media feeds.

Resolved:

That the report be received.

7 Quarter 4 Revenue and Capital Outturn 2021/22 and Quarter 1 Forecast of Revenue and Capital Outturn 2022/23

The Committee considered joint reports of the Corporate Director of Resources and Corporate Director of Neighbourhoods and Climate Change on the revenue and capital outturn for the final quarter of 2021/22 and the forecast revenue and capital outturn for the first quarter of 2022/23 (for copy of reports see file of minutes).

Presenting the report for the final quarter of 2021/22, the Finance Manager, Phil Curran, informed the Committee that the final revenue position as at 31 March 2022 was an underspend of £0.563 million against a revised budget of £109.857 million. The outturn took account of approximately £5.5 million of Covid-19 related costs, including waste disposal, increasing agency worker costs and social distancing. The report provided details of the revenue position by Head of Service and an explanation of variances. The cash limit reserve of approximately £1.3 million provided the service with flexibility to deal with unforeseen issues that may require unbudgeted expenditure. The Committee also noted the outturn took account of a draw down from earmarked reserves of approximately £5.6 million.

The Finance Manager explained the capital budget was £45.5 million at the year end and with expenditure against the budget of just over £41 million, the underspend of approximately £4 million related to environmental services and delays in highways projects and it was noted the underspend will be carried forward to next year.

In relation to the capital underspend, Councillor Charlton queried whether increasing costs were likely to have an impact on projects which had been delayed. The Finance Manager responded that inflation was a concern and delays may lead to increased costs, therefore it was possible that some reprioritising of capital schemes may be required in the future.

Councillor Stubbs asked whether there was evidence that vacant posts were negatively impacting the service and where information on agency costs was reflected in the budget data. The Finance Manager explained that the council continued to ensure front-line services were safeguarded as far as possible. The officer clarified that employee underspends may be covered by agency costs and in some cases, vacancies were managed ahead of future savings. He added that there has been recruitment problems in relation to certain professions and the service together with Human Resources are working to address this issue.

In relation to agency costs, where they were reported varied as agency work provided by a company was classed as a service or supply.

Councillor Kellett referred to highly efficient street lighting at Broomside Lane to Low Pittington Road and asked whether similar lighting could be rolled out across the county. The Chair agreed to pass the question to the Street Lighting service for a response to be provided. The officer made reference to the Street Lighting Energy Efficiency Project however he could not confirm as to whether the area referred to was part of the project.

Councillor Charlton asked whether the council's agency refuse workers were on zero hour contracts. The Chair responded that the service would be requested to provide a response which would be shared with the Committee.

Presenting the forecast of revenue and capital outturn for the first quarter of 2022/23, the Finance Manager explained the overspend of £0.311 against a budget of £113.698 million. The Committee noted factors included inflationary pressures relating to energy and fuel and the anticipated staff pay award were likely to impact on the overspend. The report included a breakdown of the outturn position by Head of Service and the reasons for variances. The Finance Manager drew Members' attention to the reduction on the cash limit reserve which limited the level of flexibility within the service.

In relation to the capital budget, it was noted that whilst expenditure during the first three months was approximately £10 million, with the majority of capital budget expected to be spent during the latter part of the year, a significant underspend was not expected.

Councillor Adam raised concern at the additional agency cover due to high levels of sickness absence in refuse and recycling services and he questioned why there was a high level of sickness absence and whether there was any correlation between the number of complaints and the use of agency staff. The Finance Manager clarified that some of the agency cover was necessary as many staff had carried forward annual leave during the Covid-19 pandemic and he added that the council regularly used agency staff therefore a number of agency staff were familiar with the routes. Councillor Adam requested more detailed data on the nature of the complaints and the Chair agreed to the request for data on the key complaints regarding the waste collection service be brought back to the Committee.

Councillor Adam asked a further question relating to the overspend on bin purchases and he noted residents were charged £20 for a new bin, however the cost of a bin was only £17.90, and, as the cost of a new bin has increased resulting in an overspend of £100,000 on bin purchases, would this overspend be passed onto residents. Due to time constraints, the Chair replied that she would request further information from the service which would be shared with the Committee.

Councillor Elmer asked whether there was assurance that the energy price cap for domestic and businesses customers will also apply to the council for its purchase of energy to be discounted in the same way. The Finance Manager responded that it was likely it will apply and the Committee would be appraised of future assistance provided in relation to energy costs.

Resolved:

That the Quarter 4 Revenue and Capital Outturn for 2021/22 and the Quarter 1 Forecast of Revenue and Capital Outturn for 2022/23 be noted.

8 Quarter One, 2022/23 Performance Management Report

The Committee considered a report of the Corporate Director of Resources which detailed performance during the first quarter of 2022/23 (for copy of report see file of minutes).

Introducing the report, Tom Gorman, Corporate Policy and Performance Manager, commented that as the county continued to recover from the Covid-19 pandemic, it faced additional pressures caused by the cost of living crisis. High inflation exceeding wage increases would lead to a fall in income in real terms and as a result, the council was expecting to see an increase in demand for advice services such as those relating to fuel poverty, benefits and welfare assistance and a possible reduction in demand for discretionary services such as leisure centres, theatres and museums, as households face increased financial pressure.

The Corporate Policy and Performance Manager explained that the format of the performance report had changed in order to focus members' attention on those areas performing well and those requiring improvement. During the quarter, areas performing well included air quality, street cleanliness and fly-tipping. Areas requiring attention included the quantity of waste collected and the contamination of kerbside recycling.

On a positive note, the report highlighted that the Scaling on Street Charging Infrastructure Project won a national award for the Best Electric Vehicle Charging Project and the council's Selective Licensing scheme which aims to improve the management of privately rented properties had commenced. The number of photovoltaic installations in council buildings had increased and the work to convert Morrison Busty into a low carbon depot was progressing. The Corporate Policy and Performance Manager suggested the Committee may wish to visit the site to view the programme of work in the future.

Members made comments and asked questions as follows.

Councillor Nicholls referred to the cleanliness surveys and asked whether the data included private land as he was concerned at the amount of derelict land which suffered from fly-tipping and he asked whether the council could take enforcement action on these areas of land. The Corporate Policy and Performance Manager explained that the data contained in the report related to council owned land and the council was limited as to the enforcement action it could take on private land as landowners were responsible for the removal of fly-tipping on their land. Councillor Nicholls commented that he would like to see the council lobby for increased enforcement powers. Following up the question, Councillor Elmer remarked on fly-tipping on privately-owned, publicly accessible land such as industrial estates and he requested that further information be provided to the Committee in relation to the matter. The Corporate Policy and Performance Manager agreed to follow up the comments and enquire as to where the fly-tipping trouble spots were throughout the county.

Councillor Charlton expressed concern at the enforcement rate for fly-tipping at 49% and commented on the amount of fly-tipping she observed in her division which she pointed out is close to a Household Waste Recycling Centre, and she asked for information on how many cameras were in operation and where they were situated. The Chair informed the Committee that a report and presentation on fly-tipping would be considered at the next meeting of the Committee on 23 November 2022 and that the service would be contacted and asked to include this information in their report.

In response to a question from Councillor Charlton as to when the low carbon depot at Morrison Busty will be complete and whether the project had remained on budget, the Contracts Team Manager clarified the project consisted of several different phases and the Chair stated that a response to Councillor Charlton's request for an update on the project would be sought from the service.

Referring to the Selective Licensing target to achieve 100% of private rented sector properties covered by the scheme by 2027, Councillor Adam commented that the timescale was lengthy, given the increasing problems of anti-social behaviour reported by the public and he asked whether that target was achievable. The Corporate Policy and Performance Manager pointed out that this was a new indicator and he had posed a question to the service as to whether licences should be required at the outset. The response from the service would be shared with the Committee in due course.

Resolved:

That the report be noted.

9 Any other business

The following additional items of business were reported.

The Chair referred to the site visit on 27 September 2022 to waste facilities at Thornley Waste Transfer Station, Biffa recycling at Hartlepool and Suez Energy from Waste facility at Haverton Hill, which was very well received and she thanked all the officers involved in the visit. Members remarked on how enlightening the visit had been which had highlighted the intricacies of the processes involved and the scale of the challenge, particularly in relation to the contamination of recycling. Presentation slides from the visit would be circulated to all Members and in order to reinforce the public messages, the Strategic Waste Management Team was compiling a library of materials for Members to use on their social media platforms.

The Vice-Chair informed the Committee of research taking place with Durham University on public perceptions of different types of grass cutting. This recognised the difficulties in gaining the true public opinion as the public are more likely to contact the council to provide negative feedback than they are to provide positive feedback. Therefore, to establish a clearer picture, survey methodology will be used to gather residents' views and the results of the research will be brought to the Committee in due course. Welcoming the work, Members highlighted other factors to consider with regard to less frequent grass cutting such as safety issues and the possible increase of littering and dog-fouling. The Vice-Chair agreed and added that the research would be used to inform the wider area of work.

**Environment and
Sustainable Communities
Overview and Scrutiny
Committee**

23 November 2022

Fly Tipping - update



**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 The purpose of the report is to provide members of Environment and Sustainable Communities Overview and Scrutiny Committee with information relating to the work of Durham County Council to address fly tipping issues.

Executive summary

- 2 At its meeting on the 22nd of July 2022 the Environment and Sustainable Communities Overview and Scrutiny Committee (ESCOSC) agreed its work programme for 2022 - 2023. Included within that work programme was an item on fly tipping.
- 3 The attached presentation provides an overview about how Durham is performing, and the actions being taken to tackle this key community issue.

Recommendation

- 4 That Environment and Sustainable Communities Overview and Scrutiny Committee receive and note the content of the report and presentation and comment on it accordingly.

Background

- 5 Members of the ESCOSC have received regular updates in relation to fly tipping to advise members of current levels of fly tipping; initiatives to reduce fly tipping and future plans.
- 6 At its meeting on 22nd July 2022 the ESCOSC considered and agreed its work programme for the ensuing municipal year. Included within that work programme was an item on fly tipping which members were keen to continue to monitor.
- 7 In accordance with that decision arrangements have been made for the Neighbourhood Protection Manager to attend a meeting of the committee and provide information on fly tipping in County Durham.
- 8 Fly tipping is a key concern from our communities and has been a priority to continue to tackle for several years. In 2014/5 a multiagency taskforce was set up to tackle the issue which was rising year on year to the point. Since its inception Operation Stop It has reduced fly tipping until the pandemic.
- 9 This report and the associated presentation will bring the committee up to date on how Durham is performing and outline the key actions that have been taken and are planned.
- 10 The Presentation that accompanies this report highlight the following areas:
 - Durham's approach;
 - Comparison nationally and regionally;
 - What gets flytipped and where.
 - Detail of various campaigns
 - Future plans

Conclusion

- 11 Fly tipping remains a concern for Durham communities, we all have a responsibility to ensure we dispose of our waste correctly. Durham has performed well in tackling this issue and there has been a notable reduction in the number of fly tipping incidences, but there is more to do.

Background papers

None

Contact: Ian Houlton

Tel: 03000 265571

Appendix 1: Implications

Legal Implications

The expanded fly tipping team has widened the legal measure that are used to prosecute those that fly tip.

Finance

Fly tipping costs a significant amount each year to clear and enforce against which is borne mainly by Durham County Council.

Consultation

Not applicable.

Equality and Diversity / Public Sector Equality Duty

Not applicable.

Climate Change

Waste tipped misses the opportunity to help ensure it can be reused or recycled so negatively impacting on our climate.

Human Rights

Not applicable.

Crime and Disorder

Fly tipping is a serious criminal offence and the approach taken helps meet our public duty to detect and deter crime.

Staffing

Neighbourhood Wardens continue to have fly tipping as a priority.

Accommodation

Not applicable.

Risk

Nor applicable.

Procurement

Not applicable.

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Environment & Sustainable Communities Scrutiny



FLY TIPPER

Ian Hoult

Neighbourhood Protection Manager

Fly Tipping

We will cover today... Fly Tipping

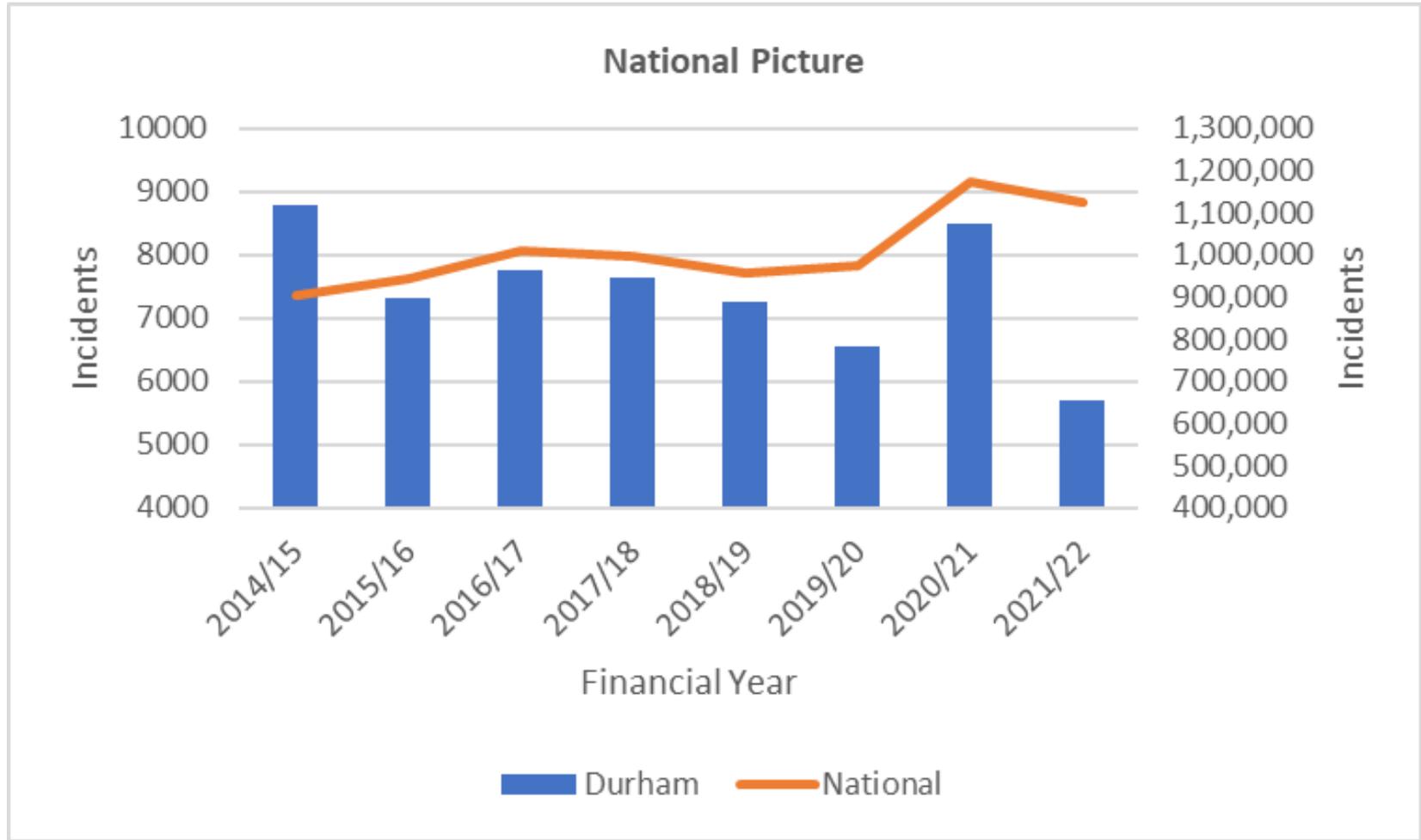
- Durham's approach;
- Comparison nationally and regionally;
- What gets flytipped and where.
- Detail of various campaigns
- Future plans



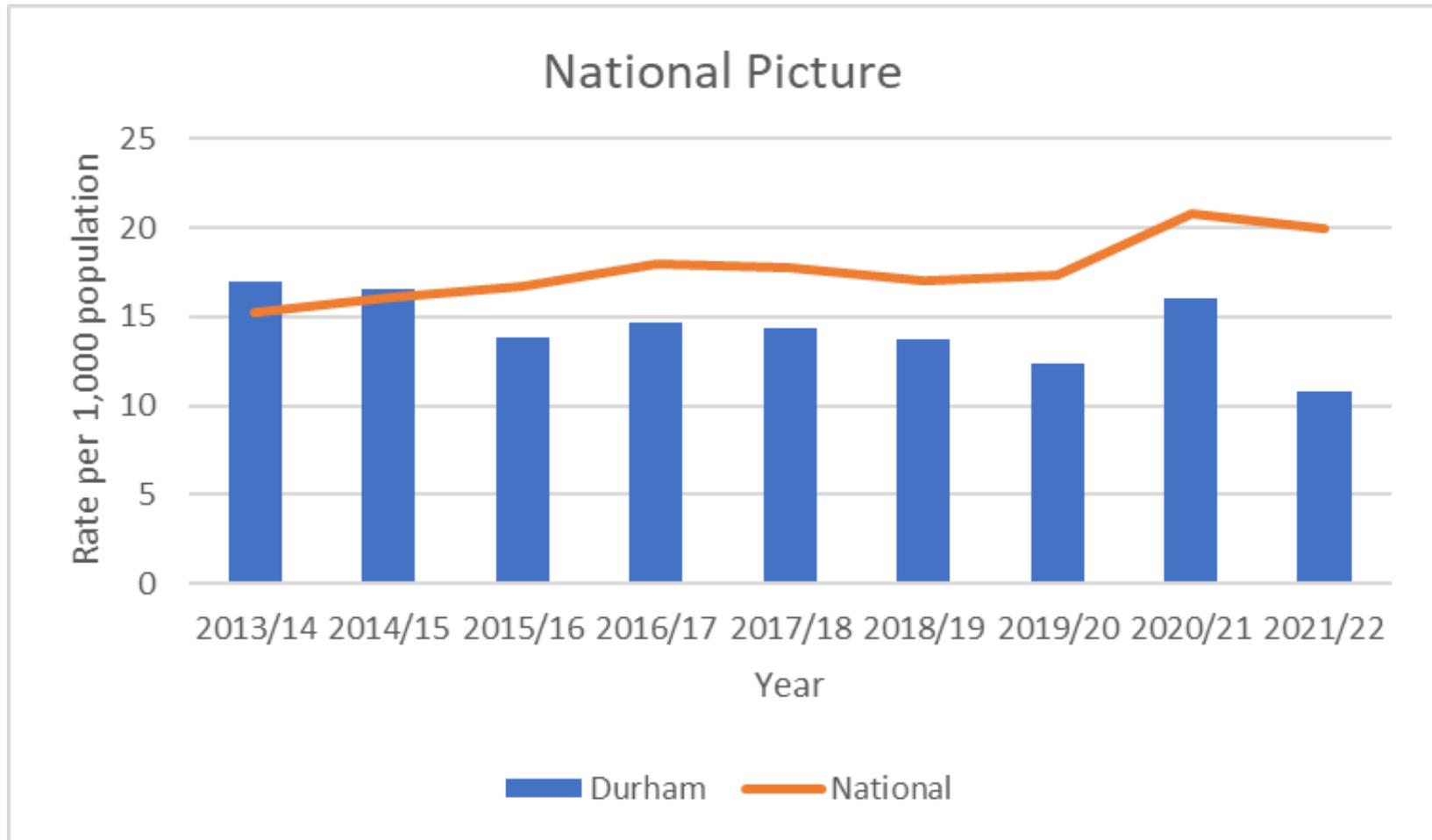
Links to the Council Plan



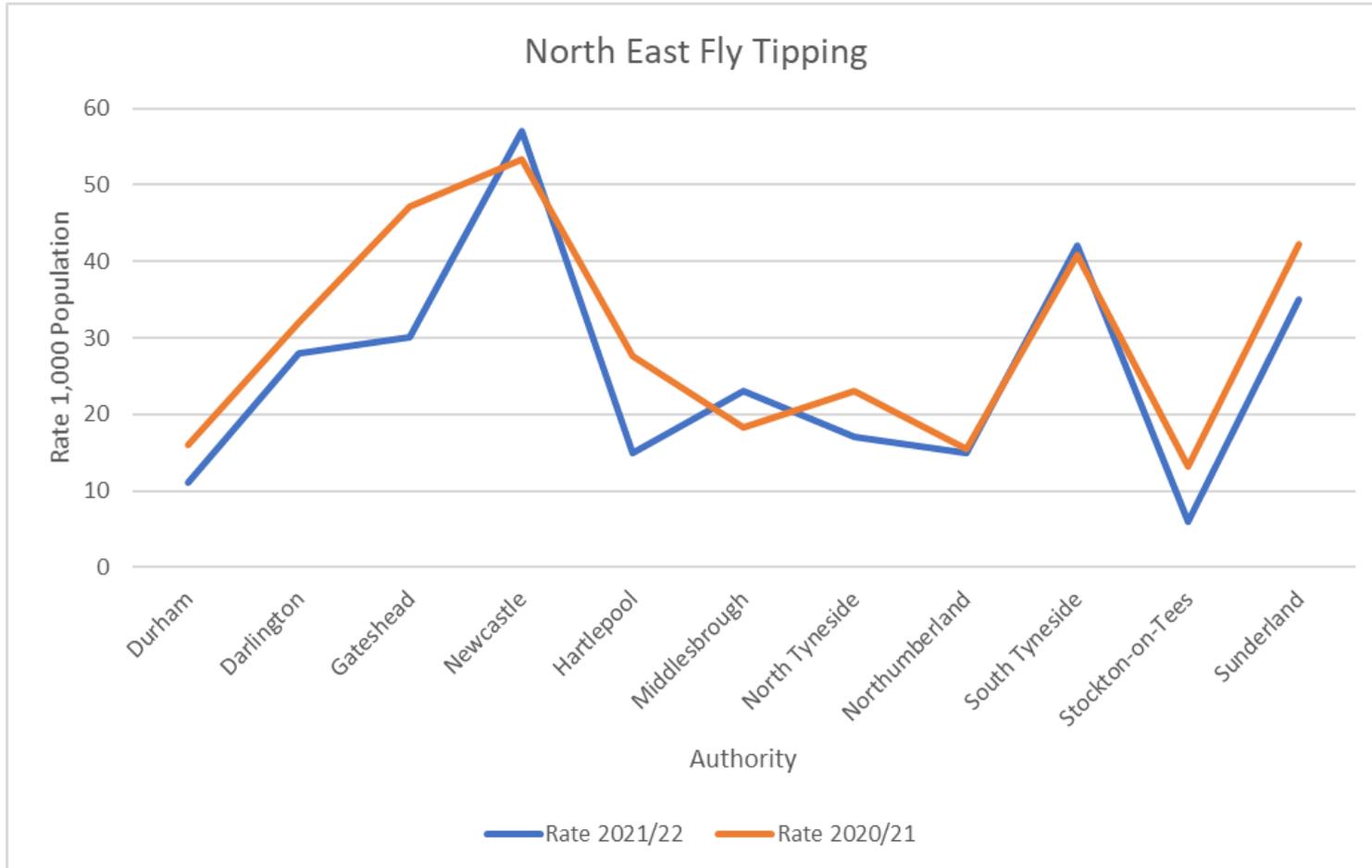
How Durham is Doing?



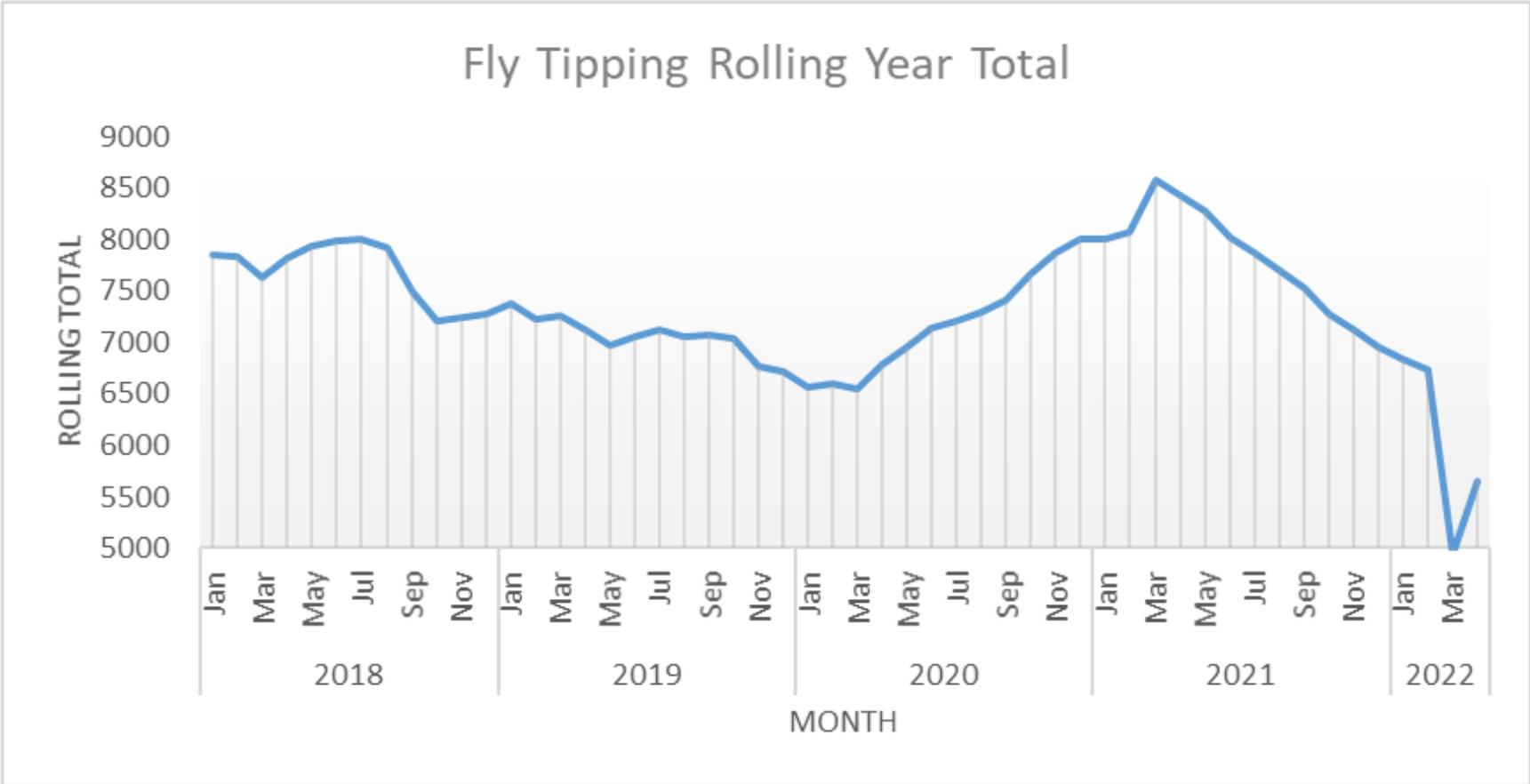
How Durham is Doing?



Regional Comparison



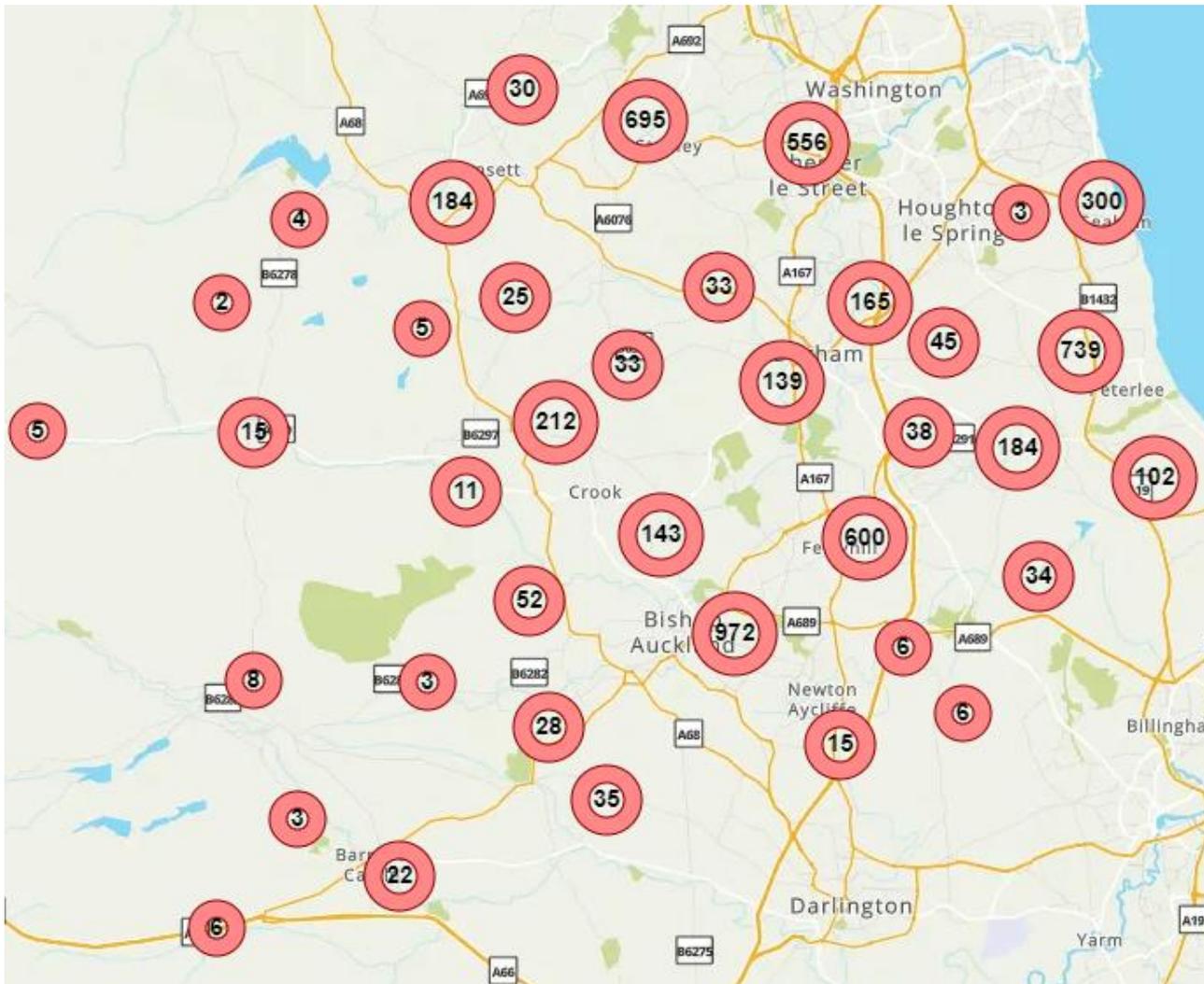
Durham Rolling Year Total



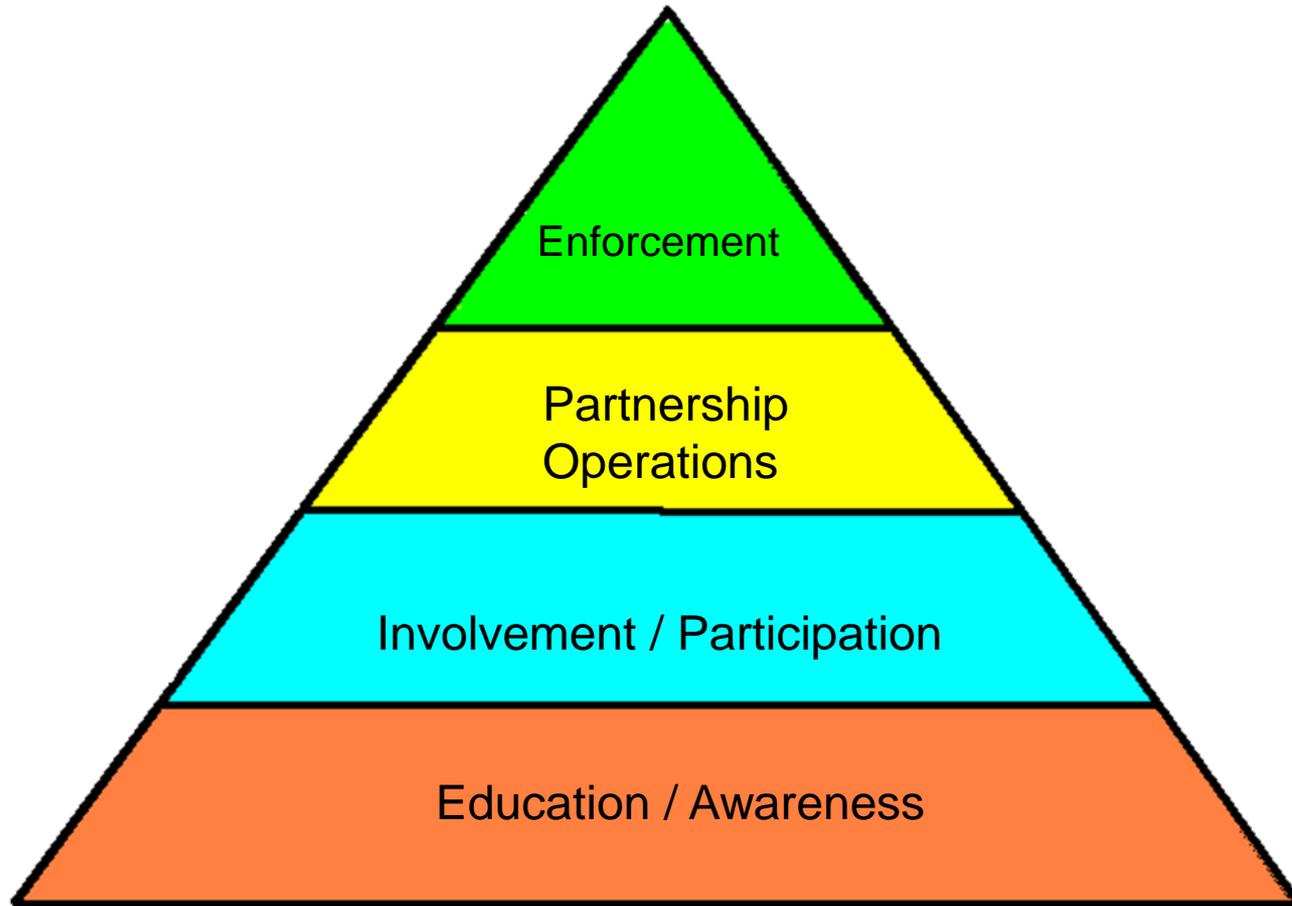
Types of Waste 2021/22

WASTE TYPE	TOTAL	Percentage
Black bags - household	1189	21%
Other - household waste old furniture	858	15%
Other - household waste mattresses, carpets	649	11%
Other - household waste house or shed clearance	455	8%
Other - household waste not covered elsewhere	422	7%
White goods - Fridge	420	7%
Construction, demolition, excavation - brick, concrete, hardcore, soil, timber, plastics, cement, sand	406	7%
Green waste	291	5%
Tyres	208	4%
Other - electrical small appliances - tv, computers, hoovers, radios etc..	147	3%
Other - household waste small scale DIY	128	2%
Other - unidentified	126	2%
Construction, demolition, excavation - large scale DIY waste e.g. complete kitchen units, bathrooms, household fittings	93	2%
Other - commercial waste pallets, packaging	71	1%
Other - commercial waste not covered elsewhere	62	1%
Vehicle parts	60	1%
White goods - Other	33	
Black bags - commercial	27	
Chemical drums, oil, fuel	24	
Asbestos	17	
Fly tipped animal carcass	8	
Other - electrical Fluorescent tubes, car batteries etc..	6	
Clinical	2	
Grand Total	5702	

Where



Durham Approach



A Partnership Approach

County Durham and Darlington
Fire and Rescue Service



Social Housing



Town and Parish Councils



Area Action
Partnership



**“We paid a ‘man with a van’ to collect our sofa.
We didn’t check where it would end up.”**

operationstop it + Stop fly-tipping in County Durham

Before you pay, check your waste will be disposed of the right way.
Report illegal waste carriers: www.durham.gov.uk/flytipping or call 03000 261 000.

Logos: Environment Agency, Love Durham, CRIMESTOPPERS 0800 555 111, Durham County Council

Education and Awareness

- Education campaigns/ awareness
- Social Media / Video Footage

Your waste, your responsibility

If you ask someone to take your waste away it's up to you to ensure they have a license and get rid of it properly.
Don't risk a fine! www.durham.gov.uk/flytipping

Durham County Council

Don't leave it out. Give us a shout!

Unlicensed waste carriers operate in this area.

Please don't put white goods (such as fridges/ fridge-freezers, washing machines/dryers or dishwashers) in your yard or garden for unlicensed waste carriers to collect. They could end up flytipped.

Arrange a bulky waste collection* and we'll make sure they're collected and recycled correctly.

*Charges apply. See overleaf on how to book.

operationstopit! Stop fly-tipping in County Durham

Someone in this area has been caught flytipping

We know where our hidden flytipping cameras are but you don't!

Tell us who flytips!

You can book a bulky waste collection from £16

Take your waste to one of our recycling centres for free

£400 on the spot penalty for flytipping

www.durham.gov.uk/flytipping

www.durham.gov.uk/hwrc

Durham County Council



A day in the life of a Fly tipping Officer...

- Partnership
 - Investigation, stop checks, seizure, intel sharing, working with landowners
- Investigation
 - Evidence collection, reviewing footage, MiB
 - Pursuing lines of enquiry
 - Suspect interviews
 - Case building and submission
 - Court
- Targeting hotspots
 - Target hardening,
 - CCTV installation
 - Arranging patrols

Enforcement

	2016/7	2017/8	2018/9	2019/20	20/21	21/22
No. of locations cameras have been deployed	117	80	76	44	44	81
No. of incidents caught on CCTV	19	23	14	4	14	41
No. of stop check operations	10	36	25	30	15	50
No. of duty of care warning letters	17	18	47	35	37	32
No. of producers issued	9	11	74	14	7	79
No. of FPN's issued for waste carrier offences	10	14	7	13	3	25
No. of vehicles seized	0	2	1	3	16	8
No. of PACE interviews	31	45	21	8	7	19
No. of FPN's issued for fly tipping	17	23	27	20	45	75
No. prosecutions for fly tipping	14	10	9	11	4	26
Awarded fines, compensation, costs and surcharges	£7,019	£8,846	£4,920	£3,630	£1,852	£27,192

CCTV Deployment

- 19 VIPER (covert)
- 14 trail Cameras (Wildlife)
- 11 pole mounted
- 6 Remote cameras (DEFRA)

Cost

- physical - £2500-£6000
- deployment – 2-4hrs
- battery changes – 30mins/1hr
- footage retrieval – 1/ 4hr
- Total cost over 4 years including replacement of stolen equipment @ £23,300



Recent Prosecutions

FLY TIPPER'S VEHICLE SEIZED

Following 3 separate fly tipping incidents, Neighbourhood Wardens had been searching for a vehicle involved which has been caught on CCTV - today they spotted it being driven through Chester-Le-Street and managed to get it stopped near Sunderland. The driver, who it transpires is disqualified, fled on foot but the vehicle has been seized and investigations are continuing.



Recent Prosecutions

A woman has been ordered by magistrates to pay hundreds of pounds after failing to assist with an investigation into waste being dumped in County Durham.

An investigation was launched after waste, including cardboard boxes and plastic bags, was discovered in the back alley of Bouch Street, in Shildon, on 31 January this year, by one of our officers.

A woman has now been convicted at court of failing to assist a fly-tipping investigation



Recent Prosecutions

PROSECUTED FOR FLY TIPPING

A 24-year-old male of Shildon was fined a total of £1133 by magistrates for fly tipping a large amount of waste at Gurney Valley in February 2021. The vehicle used to commit the offence was subsequently seized. The male attended an interview with Neighbourhood Warden Fly Tipping Officers but provided "no comment" After being shown CCTV footage of the offence the male then changed his plea to guilty.



Recent Prosecutions



Fly tipper caught on CCTV

A male from South Moor has been issued with a £400 fixed penalty notice after being caught on CCTV fly tipping waste in an alley at Annfield Plain.

Fly tipping Intervention Grant Scheme

Defra funded with 2 elements:

- Target urban dumping using education and CCTV
- Create an eLearning course to tackle waste, (fly tipping) issues for those caught across the County area.



Fly tipping Intervention Grant Scheme

Project learning/evaluation

Location	Pre-Education & Enforcement 01/04/2022 to 30/06/2022	Post-Education & Enforcement 01/07/2022 to 30/09/2022	Results
4th/5th Street Blackhall Colliery	Police incidents – 12 Fly Tipping – 3 Waste Accumulations - 5	Police incidents – 9 Fly Tipping – 0 Waste Accumulations - 3	Police incidents – 25% Decrease Fly Tipping – 100% Decrease Waste Accumulations – 40% Decrease
Craddock Street Spennymoor	Police incidents – 8 Fly Tipping – 11 Waste Accumulations - 9	Police incidents – 3 Fly Tipping – 2 Waste Accumulations - 2	Police incidents – 62.5% Decrease Fly Tipping – 82% Decrease Waste Accumulations – 77.8% Decrease
Poplar Street South moor	Police incidents – 10 Fly Tipping – 9 Waste Accumulations - 5	Police incidents – 3 Fly Tipping – 2 Waste Accumulations - 5	Police incidents – 70% Decrease Fly Tipping – 77.8% Decrease Waste Accumulations – 0% Decrease
3rd Avenue Chester-Le- Street	Police incidents – 6 Fly Tipping – 5 Waste Accumulations – 1 Graffiti - 1	Police incidents – 0 Fly Tipping – 1 Waste Accumulations – 0 Graffiti - 0	Police incidents – 100% Decrease Fly Tipping – 80% Decrease Waste Accumulations – 100% Decrease Graffiti - 100% Decrease
Area Totals	Police incidents – 36 Fly Tipping – 28 Waste Accumulations– 20 Graffiti - 1	Police incidents – 15 Fly Tipping – 5 Waste Accumulations– 10 Graffiti - 0	Police incidents – 58.4% Decrease Fly Tipping – 82.2% Decrease Waste Accumulations – 50% Decrease Graffiti - 100% Decrease
Incident Totals	85	30	64.8% Reduction in incidents

The Future

- Your Waste Your Responsibility
- Targeted social media
- eLearning package
- Targeted surveillance
- Continued strong enforcement



Questions?

FLY TIPPING UNDER INVESTIGATION

If you can assist this investigation call: 03000 261 000



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Environment and Sustainable Communities Overview and Scrutiny Committee

23 November 2022

Air Quality Management in County Durham

Joint report of the Corporate Director of Neighbourhoods and Climate Change and the Corporate Director of Regeneration, Economy and Growth

Electoral division(s) affected

Countywide

Purpose

1. To provide Members of the Environment and Sustainable Communities Overview and Scrutiny Committee (OSC) with an update on:
 - air quality across the County, primarily focussing on Durham City, where an Air Quality Management Area has been declared for nitrogen dioxide.
 - traffic measures to support air quality management.
2. The update will specifically cover the following:
 - (i) **A description of the air quality in relation to the results from the non-continuous monitors obtained during 2022 at the 'hotspot' locations across Durham City.** These locations are identified as Gilesgate (the eastbound carriageway), New Elvet (Church Street, close to the junction with Hallgarth Street) and Crossgate Peth (Colpitts Terrace and Sutton Street).

- (ii) **A description of the air quality in relation to the results from the non-continuous monitors obtained during 2022 at Menceforth Cottages in Chester le Street**, where previously an Air Quality Management Area (AQMA) was declared for nitrogen dioxide.
- (iii) **The reporting of the annual review and assessment of air quality to DEFRA** that incorporated confirmation of the changes made to the Durham City Air Quality Management Area and the revocation of the Air Quality Management Area at Menceforth Cottages in Chester le Street.
- (iv) **The progress on the review of the Durham City Air Quality Action Plan (AQAP)**. The review is being undertaken in 3 Stages -Stage 1 Review & Modelling, Stage 2 Consultation and Stage 3 Options Development & Appraisal.
- (v) **The establishment and development of potential options** that will be subject to further appraisal following internal and Member consultation.
- (vi) **Legislation Update -Requirements for Fine Particulates** and how this will affect the review, and assessment of air quality in the future.

Executive Summary

3. A briefing report was provided to the Environment and Sustainable Communities Overview and Scrutiny Committee (OSC) on the 11th April 2022 which updated Members on local air quality management across County Durham.
4. The report provided.
 - the details, and results of air quality monitoring for 2021 at ‘hotspots’ across Durham City and Menceforth Cottages in Chester le Street,
 - the progress of the air quality action measures,
 - the review of the Air Quality Action Plan,

- the developments in local air quality management, including the identification of further work following the introduction of new legislation, and
 - details of projects to provide a more sustainable transport network.
5. Since that report the work on local air quality management has continued, and included the following:
- (i) The monitoring of nitrogen dioxide and particulates (PM₁₀ and PM_{2.5}) at locations across the County, but predominantly within Durham City
 - (ii) The compiling and submission of the Annual Status Report 2022 to DEFRA, and
 - (iii) the review of the Durham City Air Quality Action Plan with an emphasis on developing options for improving air quality following the completion of Stage 1 (Modelling and Source Identification).

This work is co-ordinated, and monitored under the governance of the established corporate steering group, which has senior officer representation from the following service teams across the Council:

- Community Protection
- Spatial Policy
- Traffic Management
- Sustainability & Climate Change
- Public Health

Recommendations

6. That the Environment and Sustainable Communities Overview and Scrutiny Committee consider and comment on the information provided in the report and presentation.

7. That the Environment and Sustainable Communities Overview and Scrutiny Committee considers whether to include in its work programme for 2022/23 a further progress update on the management of air quality in County Durham.

Background

8. A briefing report was provided to the Environment and Sustainable Communities Overview and Scrutiny Committee (OSC) on the 11th April 2022 which updated Members on local air quality management across County Durham.
9. The report provided members with the information detailed in bullet points in paragraph 4 above.
10. Since that report the work on local air quality management has continued and is co-ordinated and monitored under the governance of the established corporate steering group.

An Update on the Results of Air Quality Monitoring in 2022

11. The results from the non-continuous monitoring of nitrogen dioxide during this year are available from January to September. It should however be noted that the results have not yet been corrected to take into consideration the potential error that may occur from this type of monitoring.
12. The results are compared with the annual mean air quality objective for nitrogen dioxide of **40 µg/m³**. There is a risk that the air quality objective may be exceeded when the measured level is within ten percent of the objective which is above **36 µg/m³** and this has also been considered for the results obtained to date.
13. The highest measured levels of nitrogen dioxide across the County are at 'hotspot' locations in the areas in Durham City previously identified and are as follows:
 - (i) Properties on **Gilesgate** close to the eastbound carriageway. The measured level at 68/68A Gilesgate is

exceeding the annual mean objective (**40 µg/m³**) and there is a risk of an exceedance at 75/76 Gilesgate. The measured level is above **36 µg/m³** at this location.

- (ii) Properties on **Church Street**, New Elvet close to the junction with **Hallgarth Street**. There is a risk that the air quality objective will be exceeded at Nos 1, 3 and 33 Church Street. The measured level is above **36 µg/m³** at these three locations.
 - (iii) Properties on **Sutton Street** and **Colpitts Terrace**, Crossgate. There is a risk that the air quality objective will be exceeded at Colpitts Hotel Pub and 1 **Sutton Street**. The measured level is above **36 µg/m³** at these two locations.
14. The measured levels of nitrogen dioxide at both properties at **Menceforth Cottages** in Chester le Street are well below the air quality objective and the level at which there may be a risk of exceeding the air quality objective.
15. The measured levels of nitrogen dioxide at other sites that are representative of exposure to residential receptors across the County are below the Annual Mean Air Quality Objective and the level at which there may be a risk that the objective will be exceeded.
16. The level of nitrogen dioxide measured by the continuous air quality analyser between January and September, expressed as a mean, is **39 µg/m³** which is close to but below the limit. The analyser is located on **Leazes Road at Framwellgate** and not at the façade of a residential property, and the result is subject to correction following quality control checks.

The Annual Air Quality Status Report

17. The annual Air Quality Status Report 2022 that incorporates and reports on the monitoring results obtained in 2021 was submitted to DEFRA. This also reports on the progress of the action measures that are included in the Durham City Air Quality Action Plan which is now being reviewed and is discussed in more detail

in the sections below. The report confirms the revocation of the Air Quality Management Area in Chester le Street and the inclusion of an additional short section of Church St in New Elvet.

18. The feedback on the appraisal of the annual Air Quality Status Report 2021 has been received. The report is accepted as providing a detailed representation of the local air quality across the County. Following the introduction of the Environment Act 2021 it is now required that the date for the completion of an action measure is included in the Action Plan and therefore this will be the case in the reviewed and revised Plan.

The Review of the Durham City Air Quality Action Plan- The Outcome of Stage 1 (Modelling and Identification of Sources)

19. In Policy Guidance on Local Air Quality Management issued by the Government it is advised that Air Quality Action Plans should be reviewed and, where necessary, revised, at a frequency of not more than 5 years. Stage 1 has now been completed and the main findings are described below.
20. The modelling shows that the predicted levels of nitrogen dioxide will not comply with the annual mean air quality objective (**40 $\mu\text{g}/\text{m}^3$**) by 2024 at the 'hotspot' areas across the city. The following provides a summary of the predicted exceedances and the number of receptors impacted in each of the 'hotspot' areas:
 - (i) At **Alexandria Crescent & Sutton Street, Crossgate** (11 receptors within the Air Quality Management Area (AQMA) and a maximum predicted concentration of **45.7 $\mu\text{g}/\text{m}^3$** .)
 - (ii) At Gilesgate close to the Gilesgate roundabout (12 receptors within the Air Quality Management Area (AQMA) and a maximum predicted concentration of **47 $\mu\text{g}/\text{m}^3$** .)
 - (iii) At **Church Street and Hallgarth Street, New Elvet** (9 receptors of which 6 are on the recently extended section of the AQMA on Church Street and a maximum predicted concentration of **47.4 $\mu\text{g}/\text{m}^3$**) and 3 receptors on **Hallgarth Street** outside the boundary of the extent of the current

AQMA and a maximum predicted concentration of **42.1 µg/m³**.

- 21 This stage also involved identifying the sources of emissions of nitrogen dioxide and this identified the contribution of Light Goods Vehicles (LGVs), diesel cars and buses at some locations as the most significant. Therefore, this highlights the requirement for intervention to improve air quality by targeting these sources from the vehicle fleet profile in Durham City.

The Review of the Air Quality Action Plan (Stage 2: Consultation)

- 22 A key factor in determining the success of the implementation of the action plan is establishing options for action measures that are integrated with other strategies, policies and plans developed elsewhere within the Council. Examples of this include the Sustainable Transport Plan and the Climate Emergency Response Plan both of which incorporate actions that will also be beneficial for air quality.
- 23 The possible options have therefore been identified through internal consultation with other sections of the Council and at a Members briefing held on Tuesday 18th October 2022. A focus has been placed on options for actions in relation to targeting traffic travelling into Durham City rather than through traffic since the latter is more difficult to control.
- 24 In addition to developing some of the existing actions, the following two additional options have been proposed:
- (i) The micro-consolidation of freight deliveries to and from the city to target the impact of Light Goods Vehicles. This concept involves establishing storage and distribution facilities on the periphery of the city, where relevant goods can be brought, and then using low or zero emission means of travel to make deliveries into the Air Quality Management Area.
 - (ii) The introduction of emission based, variable parking charges for Council owned car parks within Durham City, which takes into consideration the polluting potential of vehicles.

- 25 The above two options for action measures were discussed at the Members Briefing referred to in 18 above, where it was agreed that they would be explored further in relation to their feasibility, in association with other relevant reviews of Council policies and plans.

Review of the Air Quality Action Plan – Stage 3 Options Development & Appraisal

- 26 The work highlighted for establishing and developing options for action measures will involve further consultation with other applicable sections of the Council and specifically the Climate Change Team.
- 27 Once viable options are established then the Council can progress to the final stage of the project (Stage 3) that will involve the appraisal of these in relation to costs and benefits including the reduction in emissions of nitrogen dioxide.
- 28 On completion of Stage 3, consultation will be required with interested parties including the public in a similar manner to the Action Plan that was adopted in 2016. It is also required to consult with statutory consultees including DEFRA. This will be followed by the completion of the Action Plan document for formal adoption by the Council.

Legislation update-requirements for Fine Particulates (PM_{2.5})

- 29 Since the last report it is now clearer in relation to the target and limit to be introduced for fine particulates (PM_{2.5} – particles that have a diameter less than 2.5 microns). The proposal is for the introduction of a Population Exposure Reduction Target and an air quality limit value of 10 µg/m³ as a target to be met in accordance with a timescale. This is to be confirmed by the introduction of secondary legislation.
- 30 The review of the Air Quality Action Plan has included the modelling of the levels of PM_{2.5} across the Durham City Air Quality Management Area and its environs. **This shows that there are 3 receptors at which the predicted levels of PM_{2.5} will exceed the proposed air quality limit of 10 µg/m³ in 2024.** The location of these exceedances is at Gilesgate, close to the roundabout.

- 31 The sources contributing towards elevated levels of PM_{2.5} are the same as for nitrogen dioxide but with the addition of petrol cars. The review of the Durham City Air Quality Action Plan will consider options that are targeted towards reducing levels of PM_{2.5} as well as nitrogen dioxide.
- 32 There is already a section within the annual air quality status report that focuses on PM_{2.5} and the measures the Council is taking to reduce levels of this pollutant. The annual review and assessment of air quality will require consideration of the impact of PM_{2.5} across the County and, if necessary, the implementation of further monitoring and/or modelling.

Traffic Measures

- 33 The following measures have been put forward by traffic management to support the work on going in relation to air quality management.

- *Strategic Traffic Management*

Remove incentivised parking to increase Park & Ride usage;
Parking tariffs structured to encourage/drive modal shift;
Implement Sunday parking charges and Park & Ride service;
Optimise traffic signals to reduce queueing; Specify Euro 6 specification engines or better on all our transport contracts;
Provide additional Park and Ride spaces; and Implement walking and cycling initiatives.

- *Transport and Infrastructure*

Sniperley Park and Ride Extension; New Inn Junction; Northern Corridor – walking and cycling improvements; City Centre Connectivity project; Intelligent Transport System Updates to junctions; North Road Durham Bus station; and the Eastern Corridor - Gilesgate bank to Belmont Industrial estate -combination of extended inbound bus priority and new cycle routes connecting the city Centre with residential and employment nodes.

- *Integrated Passenger Transport*

Five contracted daytime bus services that operate through AQMAs are specified to EuroVI standard. Could consider widening use of specifications; Work with commercial bus operators, in particular SMEs, to identify barriers to transferring to Zero Emission buses (e.g., grid capacity constraints, lack of capital funding for charging infrastructure investment etc) and identify funding streams to remedy; and incentivise increased bus usage through implementation of BSIP measures.

Conclusions

34 The main areas of work for completion in respect of Local Air Quality Management during the next 12 months are identified as follows:

- (i) The preparation and submission, to DEFRA, of the Air Quality Status Report 2023.
- (ii) The review and revision of the Durham City Air Quality Action Plan.
- (iii) The consultation on the revised Durham City Air Quality Action Plan.
- (iv) The review and revision of the Implementation Plan setting out the responsibility for each of the action measures.
- (v) The review and assessment of fine particulates (PM_{2.5}) across the County taking into consideration the requirements of secondary legislation.

Background papers

- None

Other useful documents

- Durham City Air Quality Plan 2016
- Annual Status Report 2022

Authors:

Denyse Holman – Tel:03000 260992

David Gribben - Tel:03000 260997

Dave Lewin – Tel:03000 263 582

Craig Maclellan – Tel: 03000 267103

Cathy Knight - Tel: 03000 268512

Appendix 1: Implications

Finance

There are cost implications with the implementation of the air quality improvement measures incorporated within the Durham City Air Quality Action Plan. The source of the pollution is from vehicle emissions and therefore the majority of the actions are traffic improvement measures and the capital funds required for these is yet to be determined and would need to be met from the Local Transport Planning budget or other relevant external funding streams. There are also cost implications with the ongoing requirement to carry out monitoring of air quality pollutant (nitrogen dioxide) and 'indicators' e.g. traffic volume flow rates following the implementation of the action measures. A revision of the existing network of monitors that measure air quality pollutants (nitrogen dioxide) is likely to be required going forward.

Staffing

Officers in the Environment Protection Team will be required to plan and then undertake monitoring at locations across the County with a particular focus on the Durham City Air Quality Management Area. The Implementation Plan will need to be reviewed to determine which officers within the Council are going to be responsible for the delivery of actions. This will require the allocation of staff resources in these sections to ensure the actions are prioritised alongside other work commitments.

Meetings of the Air Quality Corporate Steering Group will be required on a regular basis.

Consultation

The Council is legally required to consult, under Schedule 11 of the Environment Act 1995, following the completion of Local Air Quality Management projects. The requirements are to consult with statutory consultees comprising of neighbouring local authorities, DEFRA, the Highways Authority, the Environment Agency and organisations/associations that represent business interests in areas to which the project relates. The main purpose of previous consultation was to obtain feedback on the air quality improvement actions that have been included in the Durham City Air Quality Action Plan.

Equality and Diversity / Public Sector Equality Duty

Local Air Quality Management focusses on improving or reducing the impacts of air quality. Therefore the completion of air quality projects and especially the implementation of the Durham City Air Quality Action Plan will have a

beneficial impact irrespective of the background of the residents of the properties of the areas to which the projects relate.

Human Rights

Not applicable

Climate Change

Many of the action measures in the Durham City Air Quality Action Plan that are targeted towards reducing levels of nitrogen dioxide will also be beneficial for reducing carbon emissions.

Crime and Disorder

Not applicable

Accommodation

Not applicable

Legal

The Council is legally required, under the Environment Act 1995, to implement the air quality improvement actions in an Air Quality Action Plan to demonstrate that it is pursuing compliance with the air quality objectives.

Risk

To fail to carry out this duty may lead to judicial proceedings being taken against the Council and/or intervention by the Secretary of State. In addition, there is a new Office of Environment Protection, introduced under the Environment Act 2021, whose function is to oversee and monitor the performance of Local Authorities' in discharging their air quality management duties.

Procurement

It may be necessary to purchase further monitoring equipment and/or consultancy services to enable the Council to complete these projects. The purchase of further monitoring equipment or consultancy services, if required, will be undertaken in accordance with the applicable Council procurement policies and procedures.

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Local Air Quality Management Across County Durham



Local Air Quality Management Across County Durham

Presentation Aim

To provide Members with an update on:

- Local Air Quality Management across the County, primarily focussing on Durham City where an Air Quality Management Area has been declared for nitrogen dioxide.
- Progress on traffic measures to support air quality management.

Local Air Quality Management Across County Durham

The update will cover the following

- Air Quality monitoring at ‘hotspot’ locations in Durham City.
- Air Quality monitoring at Menceforth Cottages in Chester le Street.
- The annual review and assessment of air quality.
- The review of the Durham City Air Quality Action Plan.
- Legislation Update- Requirements for Fine Particulates (PM2.5).
- Traffic projects that are either completed , underway or planned which will assist with improving air quality within Durham.

Local Air Quality Management Across County Durham

An update on the Air Quality Monitoring Results 2022:

Current UK Air Quality Objectives for Nitrogen Dioxide

- Annual Mean Air Quality Objective- $40 \mu\text{g}/\text{m}^3$
- Risk of exceedance of the Air Quality Objective – $36 \mu\text{g}/\text{m}^3$
(level that is within ten percent of the objective)
- Monitoring results for 2022 are available from Jan –Sept
(Note: the results have not yet been corrected)

Local Air Quality Management Across County Durham

Monitoring Results in Durham City and Chester le Street (Jan-Sept 2022 (Nitrogen Dioxide)

- A property at Gilesgate exceeds the Air Quality Objective and there is at risk of exceeding the objective at another property.
- There is a risk that the Air Quality Objective will be exceeded at three properties at Church Street, New Elvet.
- There is a risk that the Air Quality Objective will be exceeded at a property on Colpitts Terrace and Sutton Street, Crossgate.
- The levels of nitrogen dioxide monitored at Menceforth Cottages, Chester le Street and other areas across the County are well below the Objective ($40 \mu\text{g}/\text{m}^3$) and the level at which there is a risk of exceeding the objective ($36 \mu\text{g}/\text{m}^3$).

Local Air Quality Management Across County Durham

The Annual Review and Assessment of Air Quality:

- The annual air quality status report 2021 was submitted and feedback was received from DEFRA.
- The report was accepted as providing a detailed representation of the local air quality across the County.
- The Air Quality Status Report 2022 has been submitted and we are now awaiting feedback.
- The report highlights the progress on the action measures in the Durham City Action Plan and also confirms that the plan is currently being reviewed.

Local Air Quality Management Across County Durham

The Review of the Durham Air Quality Action Plan

- Air Quality Action Plans should be reviewed every 5 years.
- The Durham City AQAP was approved and adopted in June 2016 and therefore work was commenced on a project to review the plan in 2021
- The project is being undertaken in 3 stages:
 - (i) Modelling, Identification of Sources & Review
 - (ii) Consultation
 - (iii) Options Development & Appraisal
- The Council has appointed air quality consultants to assist with the project.

Local Air Quality Management Across County Durham

Review of the Durham City Air Quality Action Plan –Stage 1 (Modelling & Identification of Sources)

- Predicted levels will not comply with the annual mean objective for nitrogen dioxide in 2024 at the following ‘hotspot’ locations:
- At Alexandria Cres and Sutton Street, Crossgate – 45.7 $\mu\text{g}/\text{m}^3$
- At Gilesgate close to the roundabout – 47 $\mu\text{g}/\text{m}^3$
- At Church St, New Elvet - 42.1 $\mu\text{g}/\text{m}^3$
- The contribution of Light Goods Vehicles (LGVs), diesel vehicles and buses at some locations were identified as the most significant sources of nitrogen dioxide emissions.

Projected Future Air Quality in 2024

Exposure to Annual Mean NO₂

Annual mean NO ₂ concentration band	Total number of modelled receptors		Number of modelled receptors outside AQMA
<32 µg/m ³	5,824		5,406
32 to 36 µg/m ³	34		3
36 to 40 µg/m ³	39		2
40 to 44 µg/m ³	23	32 receptors >40µg/m ³	2
≥44 µg/m ³	9		0

Annual mean PM ₁₀ concentration band	Total number of modelled receptors		Number of modelled receptors outside AQMA
<32 µg/m ³	5,947		5,413
32 to 36 µg/m ³	0		0
36 to 40 µg/m ³	0		0
40 to 44 µg/m ³	0		0
≥44 µg/m ³	0		0

Exposure to Annual Mean PM_{2.5}

Annual mean PM _{2.5} concentration band	Total number of modelled receptors		Number of modelled receptors outside AQMA
<8 µg/m ³	5576		5,210
8 to 9 µg/m ³	321		203
9 to 10 µg/m ³	47		0
10 to 11 µg/m ³	3		0
>11 µg/m ³	0		0

Projected Future Emissions Sources

Oxides of Nitrogen (NO_x)

Location	Petrol car	Diesel car	Alt-fuel car	LGV	HGV	Bus
Network Average	8%	63%	0%	19%	2%	8%
Gilesgate	6%	53%	0%	25%	4%	11%
Church Street	3%	29%	0%	9%	0%	59%
Hallgarth Street	8%	80%	0%	11%	0%	0%
Alexandria Crescent	5%	45%	0%	15%	7%	28%
Sutton Street	7%	57%	0%	20%	4%	12%

Particulate Matter (PM_{2.5})

Location	Petrol car	Diesel car	Alt-fuel car	LGV	HGV	Bus
Network Average	34%	42%	3%	12%	2%	6%
Gilesgate	30%	37%	3%	16%	6%	9%
Church Street	21%	29%	2%	9%	0%	39%
Hallgarth Street	37%	51%	4%	8%	0%	0%
Alexandria Crescent	27%	38%	3%	13%	5%	14%
Sutton Street	31%	39%	3%	13%	4%	9%

Local Air Quality Management Across County Durham

Review of the Durham City Air Quality Action Plan – Stage 2 (Consultation)

The outcome of Stage 1 demonstrates that:

- We will not achieve compliance with the annual mean objective by 2024 by ‘doing nothing ‘
- Further, there are concerns that by progressing with the existing actions within the plan , and not considering ‘harder actions ‘ that compliance will not be achieved.
- Additional actions are required to target the sources that are contributing to the air pollution (diesel cars and light goods vehicles).

Local Air Quality Management Across County Durham

Review of the Durham City Air Quality Action Plan –Stage 2 (Consultation)

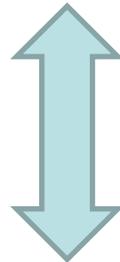
- As a result of the findings of Stage 1 , two additional options were proposed:
 - (i) The micro-consolidation of freight deliveries.
 - (ii) The introduction of variable parking charges for Council owned car parking in Durham City (Based on the emissions from vehicles).
- The consultation, therefore, focussed on initially obtaining the views of internal sections of the Council on these two additional options.
- Further, the purpose of the consultation was to ensure that any options proposed are integrated with other strategies, policies and plans and to obtain any other suggestions .

Local Air Quality Management Across County Durham

**Review of the Durham City Air Quality Action Plan (Stage 2- Consultation)
Sustainable Transport Plan**



Durham City Air Quality Action Plan



Climate Emergency Response Plan (CERP)

Local Air Quality Management Across County Durham

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Review of the Durham City Air Quality Action Plan (Stage 2: Consultation)

- Consultations were held with Climate Change, Spatial Policy and Traffic Management.
- The project was also reviewed and discussed by the Air Quality Corporate Steering Group in March 2022 and at a Briefing Meeting with Members & Officers on Tuesday 18th October 2022.
- Further consultation and refinement is now required with stakeholders to ensure all potential options including the two additional proposals are progressed to Stage 3.

Local Air Quality Management Across County Durham

The Review of the Durham City Air Quality Action Plan (Stage 3- Options Appraisal and Completion of the Plan)

This involves :

- appraisal of costs and benefits of each of the options (includes the reduction of levels of nitrogen dioxide).
- compilation of the action plan document and the adoption of the reviewed and revised plan.
- consultation with the public and statutory consultees on the reviewed and revised action plan.

Local Air Quality Management Across County Durham

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Legislation Update- Requirements for Fine Particulates (PM2.5)

- Proposed introduction of a Population Exposure Reduction Target
- The World Health Organisation (WHO) Air Quality Limit Value of 10 $\mu\text{g}/\text{m}^3$ expressed as an annual mean and set to be achieved by a target date.
- From Stage 1 (Modelling) there are three receptors identified at which the proposed limit value will not be achieved (Gilesgate close to the roundabout).
- The identified sources contributing to PM2.5 are the same as for nitrogen dioxide but with the addition of petrol cars.

Local Air Quality Management Across County Durham

Traffic Considerations - Strategic Traffic Management

- Remove incentivised parking to increase Park & Ride usage.
- Parking tariffs structured to encourage/drive modal shift
- Implement Sunday parking charges and Park & Ride service.
- Optimise traffic signals to reduce queueing
- Specify Euro 6 specification engines or better on all our transport contracts
- Provide additional Park and Ride spaces.
- Implement walking and cycling initiatives

Local Air Quality Management Across County Durham

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Traffic Considerations - Transport and Infrastructure

- Sniperley Park and Ride extension
- New Inn Junction
- Northern Corridor – walking and cycling improvements
- Newton Hall to Framwellgate Peth - walking and cycling improvements
- City Centre Cultural Connectivity project
- Intelligent Transport System Upgrades to junctions
- North Road Durham Bus Station –due to open Summer 23.
- Eastern Corridor -Gilesgate Bank to Belmont Industrial Estate – combination of extended inbound bus priority and new cycle routes, connecting the City Centre with residential and employment nodes.

Local Air Quality Management Across County Durham

Traffic Considerations - Integrated Passenger Transport

- Five contracted daytime bus services that operate through AQMAs are specified to EuroVI standard. Could consider widening use of specifications.
- Work with commercial bus operators, in particular SMEs, to identify barriers to transferring to Zero Emission buses (eg grid capacity constraints, lack of capital funding for charging infrastructure investment etc) and identify funding streams to remedy
- Incentivise increased bus usage through implementation of BSIP measures

Local Air Quality Management Across County Durham

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Any Questions?

**Environment and Sustainable
Communities Overview and Scrutiny
Committee**

23 November 2022

County Council Allotment Policy



**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To update members of Environment and Sustainable Communities Overview and Scrutiny Committee (ESCOSC) of progress since your report to Cabinet on this issue in January 2020.
- 2 Given the passage of time since the original report, to provide an opportunity for the Committee to reaffirm its position highlighting potential exclusions of “non allotment” sites and safeguards in the proposed policy, which include continued freedoms and flexibilities for Associations.
- 3 To provide an update on recent investments, which complement the above changes, support Associations and re-invigorates service provision.

Executive Summary

- 4 Durham County Council manages over 4,000 allotment plots spread across 166 sites in County. It does this mainly through direct letting (102 sites, 995 plots) where the Council fully manages the site, collects rent, maintains waiting lists, and issues all tenancies or through Allotment Associations (55 sites 2,429 plots) where the tenancy terms are managed by the Council, however Associations set and collect rent, manage sites, agree additional tenancy terms, and have greater autonomy. The Council has worked to encourage greater devolution of its allotment holdings over a number of years.
- 5 In January 2020 Environment and Sustainable Communities Overview and Scrutiny Committee reported the findings of its review of the service to Cabinet. The summary recommendations of this report are as follows, with the full report in **Appendix 2**:

- Large animals (horses, pigs) no longer permitted on allotment plots, with a transition period of 5 years to be adopted.
- All DCC directly managed allotment sites in the county are managed by one DCC service team (currently 2 sites are managed by Corporate Property and land, the remainder DCC Allotment Service).
- To undertake a complete review of allotment sites that are not used for purpose (some for instance are garage sites, gardens, grazing paddocks).
- To encourage establishment of allotment associations where appropriate to take over day to day management and control.
- Undertake discussions with Town and Parish Councils that have expressed an interest in taking over the management of allotment sites.
- That subject to legal advice, reconsiders the process for the allocation of plots to co-workers within the proposed policy by acknowledging their previous contributions whilst not registered furthermore there is a need to actively publicise the need for co-workers to register.
- That should there be demand, the Council considers the feasibility of providing smaller sized allotment plots where appropriate.
- That the Council considers undertaking a rental review of all DCC allotment sites

6 Since this time work has been undertaken in response to the report, for instance detailing all non-allotment plots (including those for proposed for exclusion from policy), promotion of co-worker's registrations, and provision of smaller sized plot when opportunity arises. The main outstanding future changes now relate to consideration of the policy aspects of Scrutiny recommendations.

7 When the Scrutiny report was published and reported to Cabinet, concerns were expressed by a number of tenants who had large animals on these sites, and furthermore some Associations felt it was restrictive on them and called for greater autonomy rather than restrictions.

8 This report provides a response to the Scrutiny recommendations for delivery, recognising the concerns expressed, and proposes to:

- Exclude some non-allotment sites from the proposals in the report, for instance grazing paddocks and garage sites.
 - Takes account that several grazing areas are located on the edge of what are mainly cultivated allotment sites and are proposed to be managed going forward as grazing for which there has been a long history.
 - Encourage greater empowerment and flexibility for Association sites by supporting long term lease or giving Associations some discretion (in consultation with the Council) for bespoke policies for their own sites. This may for instance include keeping of large animals on specified plots but would limit the expansion for these purposes.
 - Provides a range of transition measures and timescales to ensure that tenants have time to adjust.
- 9 A recommendation from ESCOSC was to engage with Town and Parish Councils regarding the potential of transfer. The Local Government (Parishes & Parish Councils) Regulations 1999 introduced a requirement that land held by higher tier authorities should transfer to lower tier authorities set up after that date, and for County Durham this has applied to the City of Durham Parish Council, where allotments have been transferred, there are likely further opportunities with Parishes, which it is proposed be explored.
- 10 In February 2022 as part of the Medium-Term Financial Plan Cabinet agreed for the 2022/3 budget investments into the service to improve the management of the sites through additional staff, increased maintenance budgets and capital investment to encourage community run facilities (associations) and site improvements. Since this time four new allotment staff and three maintenance staff have commenced work which will include practical measures (e.g.,fencing, footpath and rubbish clearance on sites), as well as provide greater inspection capacity and support to tenants and Associations in their management. This team will be a vital resource in the implementation of new policies.
- 11 As a further step in encouraging and strengthening Associations, a capital grant scheme of £250,000 has been set aside as part of the Medium-Term Financial Plan which would provide grants to of £500 to £5,000 to the associations, and for direct let sites making steps to become one.

Recommendation

- 12 Prior to formal consideration by Cabinet, Environment and Sustainable Communities Overview and Scrutiny Committee are recommended to consider:
- (a) Reconfirm position on the original ESCOSC policy recommendations, that would in due course result in new tenancy agreement.
 - (b) Note and comment on the safeguards are included which would:
 - (i) Exclude those sites, which although managed by the allotment service are currently used for other purposes.
 - (ii) Provide flexibility for Associations in consultation with the Council to come to bespoke arrangements for their site.
 - (iii) Provides a transition period for tenants, to be detailed in future reports to Cabinet.
 - (c) To note that allotments held by higher tier authorities should transfer to lower tier authorities set up after 2009 and consistent with this with engagement with Parishes where this applies.
 - (d) To note the recent investments in allotments and infrastructure capital grant scheme for which budgetary provision already exists.

Background

- 13 At the time of Local Government Reorganisation, Durham County Council inherited over 160 sites designated as allotments comprising 4,000 plots. 102 of these sites, comprising 995 individual plots are directly let by the allotment service where the Council fully manages the site, collects rent, maintains waiting lists, and issues all tenancies or through Allotment Associations (55 sites 2,429 plots) where tenancy terms are managed by the Council, however Associations collect rent, manage sites, agree additional tenancy terms and have greater autonomy. A further two sites are managed by Corporate Property and Land, and one site through Sunderland City Council.
- 14 In addition to the above there are 44 sites owned and managed by Towns and Parish Councils, which is recognised in the Local Government Act 1972 as the appropriate tier for their management. To allow local empowerment and decision making the Council has been encouraging establishment of Allotment Associations, and when new Towns and Parishes formed, such as the City of Durham Parish Council, transferring its allotment provision to them.
- 15 At Local Government Review the Council inherited the tenancy agreements from the District Councils and they differed in content. Since this time a new standard tenancy has been introduced for new tenants, and the work of the allotment team has focused on the common elements between them, such as enforcement of cultivation, standardising waiting lists and site improvements,
- 16 It is important to note that not all plots are used for cultivation of crops, the original intention of the provision. Over several decades the provision has changed so that in addition to cultivation, some plots and indeed sites are now gardens, garage sites, grazing paddocks, and other uses. The portfolio is split between 130 sites that are predominantly used and sustainable as allotments moving forward and 37 sites that are predominantly not used as allotments or where the costs of reconversion would be prohibitive.
- 17 On 20 January 2020 the Environment and Sustainable Communities Overview and Scrutiny Committee reported its findings of an extensive review of allotment in County Durham. It involved site visits and consultation with Town and Parish Councils, Associations, national bodies, and surveys of tenants. Its report provided in **Appendix 2** made a series of recommendations for future management.
- 18 Whilst many of the recommendations in the report were uncontroversial, the ESOSC recommendation regarding removal of large animals within five years resulted in a number of concerns expressed and emotive media stories displaying the attachment that tenants had to their large

animals especially horses. In addition to tenants several Associations approached the Council concerned about their loss of local autonomy and discretion, not just for large animals but for other day to day aspects of running their site. There was reference in the ESOSC report for a review and separation of true allotment sites from those used for other purposes, but this was largely overlooked.

- 19 Clearly in the light of these concerns and response to the report, time was needed to consider how the ESOSC recommendations and feedback received could be responded to. Covid has impacted on this process, not all in a negative way however, as demand for allotments and waiting lists for sites have grown (currently a total of 2,300). Considerable work has been done by the service in identifying and separating out “non-allotment sites” as well as implementing non-policy areas of the recommendations.
- 20 The remainder of this report sets out the detailed response to ESOSC recommendations, provides new tenancy agreements in fulfilment of these, but sets out exclusions for “non allotment” sites, flexibility for Associations in its application, ensure smooth transition, and finally covers the recent new investments that would help support this process.

Detailed Service Response to ESCOSC Recommendations (summarised in bold).

- i. **Keeping of large animals such as horses on allotments to be curtailed with a transition period of five years.** It is recognised that the practice of keeping large animals on the site conflicts with the primary purposes of allotments, namely for the cultivation of crops, and it also raises a wide range of issues including animal welfare. The service has already on its own sites or working with Associations taken opportunity when a grazing plot has been vacated to return it to cultivation.

The implementation of this recommendation would include safeguards for those sites that have long traditions of keeping these animals.

These balanced measures include:

- Excluding all sites that may be more appropriately considered as smallholdings these are included in a list of excluded areas (with various other uses).
- Allowing for freedom and flexibility to Allotment Associations with agreement from the Council to temporarily designate part of their site currently utilised for large animals, to remain, however this would be controlled and not expand. Takes account that

several grazing areas are located on the edge of what are mainly cultivated allotment sites and are proposed to be managed going forward as grazing for which there has been a long history.

- To ensure that a transition period of five years applies for those remaining tenants, and support is given in establishing other more appropriate grazing land.

- Alongside the above measure to ensure a programme is in place for recording of all large animals on plots and working with appropriate agencies regarding their welfare.

- ii. **All County Council allotment sites overseen by one service team.** This is accepted in full, with the two sites from Assets (for historic reasons) being transferred to the allotment service.
- iii. **A review of the Allotment sites not used for the purpose, listed as allotments but currently garages, gardens or other uses including uncultivable ground.** This is accepted in full, and considerable progress has been made, which will help to provide the safeguards the policies apply to cultivated allotment sites.
- iv. **Area allotment associations where appropriate be encouraged to take over day to day management and control.** This is accepted in full, there are considerable benefits to this approach, and the Council already has 55 of its sites self-managed by Associations.

In furtherance of this recommendation, respond to feedback and to encourage more Associations, greater freedoms and flexibilities are proposed. These provide for:

- a. A core set of tenancy clauses that will apply universally across all of DCC's allotment sites and in addition:
- b. A supplementary set of tenancy clauses that will provide Associations with flexibility to determine major aspects of their tenancy agreement.

Furthermore, there may be circumstances where the Association is able enough, and the Council confident enough that a long-term lease is provided, with safeguards they can only be used as allotments. These arrangements would be subject to separate negotiations, and agreement from the Council on a case-by-case basis subject to an assessment of mutual benefits.

- v. **Town and Parish Councils be engaged regarding potential to take over management of allotment sites.** This is accepted in full, as it is felt there is an opportunity to expand on the seven sites currently leased to Towns and Parishes

From approaches made in the last few years no Town and Parish Councils have taken on any of the sites situated in their boundaries. Further engagement is planned regarding this.

- vi. **Publicise the co-workers register and reconsiders process of allocation of plots.** This is accepted in full, and indeed the service has undertaken considerable work in this regard
- vii. **Considers the feasibility of providing smaller sized allotment plots where appropriate.** This is accepted in full, and indeed as opportunity has arisen has already been achieved as and when plots become available currently.

As part of new investments, the Council has established a maintenance team which will bolster opportunities for dividing plots and help also to bring waiting lists down on some sites.

- viii. **Review allotment rents.** This is accepted in full and whilst the priority over the coming year will be the implementation of the investment agreed for this fiscal year and implementation of the policy and transition rules. will be undertaken within three years taking into consideration the feedback received as part of the ESOSC consultation.

New Tenancy Agreements and Transition

- 21 The Council currently operates a number of Tenancy arrangements for its allotments. Whilst a standard countywide agreement is in place, it is issued to new tenants only and existing tenants will hold the agreement from their former District.
- 22 The ESCOSC report highlighted the need for a consistency in approach and a standard tenancy agreement which incorporates all recommendations has been developed and will be subject to Cabinet consideration. Whilst many of the existing tenancy agreements do not vary significantly from one another, this agreement standardises the position. The following is highlighted:
- Allotments provided for County Durham residents only
 - A minimum of 50% of the plot dedicated to cultivation of crops (this can be inclusive of greenhouse space).

- No large animals and small animals (hens, rabbits, geese pigeons) by permission only from Council or Association, with animal welfare requirements and standards met.
- No permanent kennelling of dogs on the plot, and no beehives without prior consent.
- No waste materials brought on site unless for reuse purposes (e.g.water collection) within a 12 month period.

23 Whilst the vast majority of tenants will be unaffected by these changes, it is recognised for those who are, may take time to adjust. For this reason, detailed transition arrangements have been developed which will be included in reports to Cabinet.

Burning on Allotments

24 Whilst not included in the original ESCOSC report or tenant consultation the issue of fires on allotments is an issue that is frequently raised, especially by residents that may border an allotment site. Current tenancy arrangements allow for burning of materials generated on site, but in a responsible way, in that it is contained and done at times and frequency that does not cause a nuisance.

25 Whilst there is a long tradition of this, it may encourage materials being bought on site, is polluting to the local atmosphere, especially with inorganic materials and it is hard to control the nuisance aspect which can arise. Some areas of the country have banned fires outright and encourage (for organic materials) composting facilities.

26 Whilst burning is allowed in the new tenancy arrangements (under certain conditions) It is proposed to further engage with tenants, associations and other interest groups, examining the areas where problems have arisen, exploring best practice and reporting back options for further consideration.

Recent Investments and Financial Support for Improvements

- 27 The recent Council budget agreed additional funding for allotments, this included £360,000 recurrent revenue and £250,000 capital. The revenue has been reduced by £69,000 to contribute to a balanced budget in MTFP13.
- 28 The additional revenue has seen the employment of four additional allotment staff. These will be crucial in supporting the changes and improvements outlined in this report. Their role will enhance the engagement with site tenants and community managed facilities (e.g., associations) along with ensuring the new policy is implemented. These staff have started between July and October following several rounds of recruitment.
- 29 Three additional directly employed maintenance staff have also been recruited to provide practical support with their priorities initially to get on top of the backlog of maintenance including:
- Strimming and bringing vacant plots back into use quicker
 - Fencing work including splitting plots
 - Coordinating contractors to bring plots back into use
 - Coordinating delivery of road plainings & compost
- 30 Other priority areas of spend required through contractors include waste removal from plots and dilapidated buildings, splitting plots including new fences and gates as appropriate and improving access routes and perimeter boundaries.
- 31 The additional resource (staff) is helping with the visibility and engagement on sites, they are also finding anomalies created through reduced visits. As an example, we are liaising with 3 community led sites where they have let plots to individuals who are not on the waiting list who have then become committee members.
- 32 A £250,000 capital has been developed to incentivise the development of new community groups along and with allow a bidding process for existing groups (associations) to improve facilities on their sites, for instance drainage, bringing plots back into use, tools and equipment sharing schemes, pathways and fencing. It is proposed that it is a minimum of £500 and £5,000 per site and open for bids twice per year and can be matched against other community sources.

Outline Delivery Plan and Next Steps

33 Whilst recruitment of staff for the allotment service, as well as the maintenance team for local improvements have been a crucial first step, there remains work to be done in fulfilment of the recommendations in this report. These measures include:

- (a) Updated policy and engagement with all tenants setting out the proposals in this report. As part of this attention would be given to
 - Engaging with existing Associations, confirming the core tenancy arrangements and the flexibility for their own sites.
 - Confirm the “non-allotment” sites for exclusion from these changes.
 - Explain the transition arrangements in place and support and respond to any individual queries on a case-by-case basis.
- (b) Launch a scheme for increased devolution and improve community group (e.g., association) ownership with a capital grant scheme that allows for new community groups and improvements to existing sites.
- (c) Engage with Town and Parish Councils, regarding the potential transfer of sites to their responsibility.
- (d) Over the next three years to undertake the following:
 - (i) The review of rents consistent with ESOSC recommendations.
 - (ii) A review of burning waste on allotments with a future report considering the options.
 - (iii) To conclude the review of non-allotment sites, considering how they should be managed going forward, and options around disposal.
 - (iv) A review the supply of allotment and the waiting lists to determine the future need of expanded/ new sites

Background papers

- Proposed new allotment policy and tenancy agreement.
- Comparison of policy / tenancy agreement approved in 2012 and proposed new policy and tenancy agreement.

- Proposed transition rules for the implementation of the new allotment policy and tenancy agreement.
- List of designated allotment sites that are largely not currently used for allotment purposes.

Other useful documents

None.

Authors

Oliver Sherratt

Tel: 03000 269259

Mark Farren

Tel: 03000 266048

Ian Hout

Tel: 03000 265571

Appendix 1: Implications

Legal Implications

The County Council inherited its allotments from the former District Councils at Local Government Reorganisation in 2009. Many of these sites, if originally developed for the long-term intention of allotments, are considered statutory and cannot be disposed of without approval from the Secretary of State. This report does not alter their status, although future reviews and disposals would be required to follow statutory procedures.

The Local Government Act 1972 identified that the lowest tier of government in an area is responsible for providing them, for County Durham this would mean Town and Parishes where they exist. To support this, Local Government (Parishes & Parish Councils) Regulations 1999 introduced a requirement that land held by higher tier authorities should transfer to lower tier authorities set up after that date. However, it did not extend that requirement to sites run by higher tier authorities in areas with a lower tier authority that was established before 1999. The proposals in this report include engagement with Stanley Town Council regarding the potential for transfer which would be consistent with these regulations.

Finance

There are several implications that come from this report.

- (a) Increased revenue (£360,000) has been made available to invest in the management and maintenance of the sites. This has supported appointment of four additional staff and a small maintenance team.
- (b) Capital investment has been made available (£250,000) to encourage greater devolution and improve community run sites.

Consultation

Full Public Consultation has been carried out and considered in the report, further consultation will happen on a local level for the sites that are not currently being used for allotment purposes.

Consultation on changes to burning waste is likely in the future.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

Growing food at a local level using the natural resources promotes reduced food miles and trips to the shops so positively contributing to reversing the impacts of climate change.

Human Rights

None.

Crime and Disorder

None

Staffing

Increased staffing from the investment is currently underway.

Accommodation

None.

Risk

There is a risk that the proposals and safeguards in this report are not widely understood and therefore resisted, resulting in a similar reaction to that when the ESCOSC report was first produced. It is proposed that this report be accompanied by active engagement with Associations and Tenants to explain these changes.

There may be risk of disagreement regarding the potential for transfer of allotments to Parish Councils, however this may be reduced by constructive engagement and specialist advice, and consideration of the resources that may be transferred.

Procurement

None.



**Environment and Sustainable
Communities Overview and Scrutiny
Committee**

**Review of Durham County Council's
proposed allotment policy**

2019

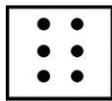
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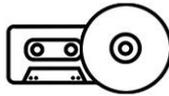
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Chair's Foreword



Allotment provision in the county is the responsibility of Durham County Council (DCC) and various Town and Parish Councils. DCC is currently responsible for 167 allotment sites in the county with a number of these sites inherited from District Councils following Local Government re-organisation in 2009.

DCC during the last five years has taken steps to improve the management of its allotment sites. These steps have included increased engagement with tenants and associations, improved enforcement and significant investment taking place on sites, the introduction of handover inspections and a records management system, improved customer services arrangements, the introduction of social media to promote the benefits of allotments and plot availability within the county.

However, we realise that there is still more work to be done to ensure that a consistent management approach is introduced across all our allotment portfolio. We propose to introduce a new countywide lettings policy. This policy will reflect the need for sites to be used for genuine allotment use, ensure compliance with planning and animal welfare regulations and continue to provide opportunities for communities to access the wider benefits that come from allotment use.

In 2017, the Environment and Sustainable Communities Overview and Scrutiny Committee was invited by the Cabinet Portfolio Holder to consider DCC's proposed new countywide allotment policy which was developed by the Council working with the Northern Region Allotment Association. Within this context a review group was established to consider the proposed new policy and tenancy agreement. The group engaged with Town and Parish Councils to get their views on DCC's proposed future management arrangements and visited a number of allotment sites in the county to see first hand some of the current challenges and improvements made.

From the outset, the group focused on ensuring that the proposed new policy was fit for purpose, would be subject to extensive consultation with relevant stakeholders and has a programme of transition arrangements for its implementation.

I would like to take this opportunity to thank the Cabinet Portfolio Holder for his initial invitation, the Members of the review group, DCC officers and in particular Mark Farren (Allotment Manager), Town and Parish Council representatives, the Northern Region Allotment Association, residents and allotment holders who participated in and supported the review process.

Councillor Eddy Adam

Chair Environment and Sustainable Communities Overview and Scrutiny Committee

Executive Summary

- 1 In 2009 following Local Government reorganisation, DCC became responsible for directly managing 167 allotment sites in the county. Whilst DCC has improved the management of its allotment sites during the last five years there are still inconsistencies in site management. It is recognised that the introduction of a countywide lettings policy and tenancy agreement would improve consistency in site management across DCC's allotment portfolio significantly. The review group looked in detail at the proposed new countywide policy and transition arrangements, the current overall management of the service and the proposed approach to individual tenancies and make recommendations in all three areas.
- 2 When considering the proposed new policy and transition arrangements the review group were supportive of the proposals but were concerned about the length of the proposed transition period for large animals no longer permitted on allotment sites. However, further review work highlighted that steps are already being taken with new tenants and that this approach will gradually over a period of time return plots to proper allotment use. Whilst, the review group supports this approach in order to have a consistent management approach across the allotment portfolio the group recommends that the proposed transition arrangements subject to further close working with tenants include a five year transition period for the removal of large animals from DCC allotment sites.
- 3 Members also found that some animals currently housed on allotment sites require specific welfare documentation such as horses and ponies which require licenses, passports and microchipping. In addition, animals categorised as farm animals require specific documentation under the Department for Environment, Food and Rural Affairs (DEFRA) regulations. It is recommended that the appropriate processes are put in place to ensure that animals housed on DCC allotment sites have the required welfare documentation.
- 4 Concerning the overall management of the service, the review group carried out visits to five allotment sites in the county to see first-hand the management challenges faced by the Allotment Team and allotment associations. During the visits, Members found that currently two DCC service teams directly manage DCC's allotment portfolio, the Allotment Team and the Asset Services Team. This split in management between the two service teams has further added to inconsistencies in management approach with allotment sites being managed differently in relation to engagement, enforcement, investment in sites, frequency of inspection and rents charged. In order to ensure a consistent

management approach the review group recommends that DCC's allotment portfolio becomes the management responsibility of one service team.

- 5 Turning to the management of DCC's allotment sites, evidence provided during the review of the allotment portfolio in 2018 placed the 167 directly managed allotment sites into the following:
 - Allotment sites used for purpose are sites where the majority of plots are currently used for the proper purposes – 107 DCC sites.
 - Allotment sites mainly used for purpose are sites where the majority of plots are not currently used for the proper purposes of an allotment but could be converted back to allotment use relatively easily – 23 DCC sites.
 - Allotment sites not used for purpose are sites where the majority of plots are not currently used for the proper purposes of an allotment and conversion back to allotment use would be difficult, costly or not sustainable in the long run – 37 DCC sites.

During visits to allotment sites not used for purpose Members found that these sites were being used as garages, work yards and storage areas, gardens and to provide grazing for large animals. The review group recommends that DCC undertakes a complete review of allotment sites not used for purpose on a site by site basis to consider options for the future use of these sites and as part of the review process consultation is undertaken with local councillors, tenants, waiting list applicants and residents.

- 6 In relation to where overall management responsibility lies, there are many examples of successful management by local associations and Town and Parish Councils. It is recognised that management by a local association can work well as it gives more local community control. The Real Service Grouping had considered several options for the future management of DCC allotment sites retained for allotment use. The options include direct let by DCC, self-management by associations, lease to associations, transfer to a trust and transfer to Town and Parish Councils. The review group found that some allotment sites in the county have a small number of plots and therefore do not have sufficient allotment tenants to form a self-managed association. The review group recommends that in those areas of the county where the number of members on an allotment site is too few to establish an allotment association, then allotment sites in close proximity to each other be given the opportunity to form an area allotment association.
- 7 Turning to the Town and Parish Council role in the management of allotment sites, it was confirmed that those Councils established post 1999 are the primary authority to manage allotment sites in their area.

It is recommended by the review group that DCC enters into discussion with the various Town and Parish Councils in the county to ascertain as to whether they are in a position to take over the management of allotment sites. Should any Town and Parish Council wish to take over the management of allotment sites then DCC will provide appropriate advice and support for an agreed period.

- 8 The final area considered in the review was individual tenancy arrangements. A public consultation on the proposed new policy, tenancy agreement and transition arrangements was undertaken from the 4 February 2019 to 31 March 2019 to seek the views of allotment holders, interested parties and the general public. A question was asked in the consultation as to whether allotment tenants should be able to pass their plot onto a family member or friend (co-worker). The response to this question was particularly high with over 80% responding yes. DCC's current and future policy requires that co-workers are registered but it was confirmed by the Allotment Team that most co-workers are not registered. For a co-worker to inherit the plot, DCC's proposed policy states that they must have been registered for three years and that no applicant on the waiting list has been on the waiting list longer than the co-worker has been registered. This process gives priority to those applicants at the top of the waiting list. The review group recommends that a co-worker's previous contribution to the cultivation of a plot should be recognised in the proposed policy, subject to legal advice, by acknowledging their previous years of commitment. In addition, DCC needs to consider how it can actively encourage co-workers to register their interest in a particular allotment plot.
- 9 Responses received from the consultation process also suggest that DCC should consider the feasibility of providing smaller sized plots on some allotment sites. Smaller sized plots would be more manageable for tenants who find large plots difficult to cultivate and do not need or want to grow as much fruit and vegetables. The review group recommends that the service look at the feasibility of providing smaller sized plots if there is demand on DCC allotment sites.
- 10 DCC currently charges £45-£55 rent per allotment plot per year with rents increased on an annual basis by £1 per allotment plot. This results in DCC providing a high level of subsidy each year for those allotment plots directly let by DCC. In addition, when comparing rents regionally with seven local authorities, DCC charges the second lowest annual rent per allotment plot. Whilst recognising the health and wellbeing benefits associated with the cultivation of allotment plots, the review group recommends that DCC considers undertaking a rental review. Should it be determined following the rental review that rents

will be increased and the increase in the annual rent per allotment plot is significant, then this increase should be introduced via annual incremental increases.

Recommendations

Recommendation 1

That in relation to the requirements of the proposed policy and tenancy agreement concerning the housing of large animals no longer permitted on allotment plots, the five year period identified in the proposed transition arrangements should apply. In addition, that DCC ensures animals currently housed on DCC allotment plots have the required welfare documentation.

Recommendation 2

That the Corporate Director of Regeneration and Local Services ensures that all DCC directly managed allotment sites in the county are managed by one DCC service team.

Recommendation 3

That the Corporate Director of Regeneration and Local Services establishes a review group to undertake a complete review of allotment sites not used for purpose and that the review group:

- Considers each site on an individual basis;
- Undertakes site based consultation meetings;
- Considers whether tenancy agreements on retained sites are transferred to match the purpose for which the plot is used e.g. garage use;
- Ensures that the sale of sites is handled under the Land Disposal Policy subject to Ministry of Housing, Communities and Local Government approval where the site is a statutory allotment.

Recommendation 4

That the Corporate Director of Regeneration and Local Services establishes area allotment associations where appropriate to take over day to day management and control.

Recommendation 5

That the Corporate Director of Regeneration and Local Services undertakes discussions with Town and Parish Councils that have expressed an interest in taking over the management of allotment sites. Should any Town and Parish Council wish to take over the management of any current DCC allotment site then advice and support should be provided by DCC for an agreed period.

Recommendation 6

That DCC, subject to legal advice, reconsiders the process for the allocation of plots to co-workers within the proposed policy by acknowledging their previous contributions whilst not registered. In addition, DCC needs to actively publicise the need for co-workers to register.

Recommendation 7

That DCC, should there be demand, considers the feasibility of providing smaller sized allotment plots where appropriate.

Recommendation 8

That DCC considers undertaking a rental review of DCC's allotment portfolio, however, as part of this review recognition is given to the health and wellbeing benefits associated with the cultivation of allotment plots. Should the rental review determine an increase in rent per allotment plot and that increase is significant, then DCC should introduce this increase via annual incremental increases.

Recommendation 9

That a review of the progress made against the recommendations contained in this report will be undertaken six months after the report is considered by Cabinet.

Background

- 11 At its meeting on 14 July 2017, the Environment and Sustainable Communities Overview and Scrutiny Committee when determining its work programme for the ensuing year agreed to the inclusion of a focused review on DCC's future allotment policy.
- 12 The terms of reference for the project was agreed by the committee at its meeting on 6 October 2017 and Members confirmed that the scope of the review was to examine DCC's future allotment policy and to consider and comment on the proposed consultation arrangements.
- 13 The Allotment Act 1922 defines the term 'allotment garden' as 'an area which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by the plot holder or their family including the keeping of small livestock as agreed by the allotment authority'. This description remains important because it defines the permitted use of an allotment plot.
- 14 It is recognised that allotment gardening is a pursuit that provides wide ranging benefits to local communities and can make a positive change to the quality of people's lives by producing good quality, low cost food and provides healthy exercise.
- 15 Statutory allotment sites are those that a local authority has acquired for allotment gardening while temporary sites were acquired for other purposes and are being used as allotment sites in the interim. Statutory allotment sites are protected in law and require consent from the Secretary of State for disposal or other uses, while temporary sites are not protected no matter how long they have been allotments.
- 16 Historically, the provision of allotments within County Durham has been the responsibility of DCC, District Councils and Town and Parish Councils. Prior to Local Government Reorganisation (LGR) in 2009 a number of District Councils did not transfer their allotments to the control of Town and Parish Councils which resulted in the management of these allotment sites transferring to DCC.
- 17 In addition, DCC has a duty to provide allotments in areas of the county that are not parished. This resulted in DCC at LGR being responsible for managing 175 allotment sites containing 3630 individual allotment plots spread across the county.

Current Allotment Management

DCC's Allotment Portfolio

- 18 Since LGR some Town and Parish Councils have taken over responsibility for managing what were previously DCC allotment sites resulting in DCC now being responsible for 167 allotment sites. The Allotment Team is currently responsible for directly managing 102 sites, 55 sites are self-managed by an allotment association supported by the Allotment Team and a further 10 sites at LGR were transferred to DCC's Asset Services Team and remain under their management.
- 19 Pre-LGR each council within County Durham was responsible for determining its own approach to managing allotment sites resulting in a mix of management approaches throughout the county. However, the approach can be generalised as follows:
- Mixed approach to enforcement, resulting in some parts of the county, tenants undertaking actions over many years that aren't in keeping with the legal definition of an allotment site.
 - Differing levels of investment in repairs and maintenance. Whilst some councils had invested adequately in the repair and maintenance of sites others had not resulting in collapsed fencing derelict buildings left on plots, paths/tracks in poor condition and vacant plots not maintained.
 - No handover surveys undertaken resulting in a lack of accountability for the condition of the plot on termination of tenancy.
 - Varied position with association managed sites, with some sites well managed however others were not set up in a legally correct manner and/or weren't supported or monitored.
 - Mixed picture with record keeping across the county with some councils having the required documentation whereas other councils had missing agreements and incomplete details.

Current allotment policy

- 20 Following the transfer of the allotment sites from the District Councils, DCC in 2010 introduced a harmonised tenancy agreement, however it was not backed up by a policy and it has never been fully enforced. In 2012 following extensive consultation DCC approved a harmonised countywide allotment lettings policy for DCC managed sites. The lettings policy provided regulation in relation to residency and eligibility for an allotment plot, co-workers/plot partners, levels of rent, use of land and cultivation of plots, erection of structures on allotment sites and the keeping of animals.

21 In developing the 2012 policy DCC's intention was to:

- Ensure plots were used as genuine allotments.
- Ensure plot use supports wider Council priorities including mental and physical wellbeing and justified the financial subsidy that tenants receive.
- Protect the Council from future costs such as the demolition of buildings and repair of land damaged by animals.
- Ensure compliance with planning requirements in relation to building size and construction.
- Avoid negative publicity about animal welfare.

22 However, when it came to the implementation of the policy a number of challenges were identified. The policy was considered over-prescriptive on some issues such as the number of chickens and shed maintenance requirements, it jeopardised the significant investment that some tenants had made in non-allotment activities on their sites and did not include transition arrangements to ease the impact of the proposed changes.

23 As a result of the above challenges the 2012 countywide allotment lettings policy was not implemented however the DCC Allotment Team over the last five years has developed and implemented a programme of work to improve the management of DCC allotment sites which includes:

- Improved engagement with tenants and associations by being on sites more often.
- Increased enforcement so more tenants are being required to use their plots in the proper manner.
- More investment has taken place in the sites to tackle major issues and bring derelict and vacant sites back into use.
- Introduced handover/takeover inspections ensuring that new tenants are required to return plots in the same or a better condition.
- Reviewed customer services arrangements.
- Introduced a records management system.
- Use social media to promote the benefits of allotments and plot availability.
- Provide support to various allotment associations in the county who manage DCC allotment sites.

Future DCC Allotment Policy

Key Findings

Subject to further close working with tenants a five year transition period should be introduced for the rehoming of large animals housed on DCC allotment sites and no longer permitted by the proposed policy.

Need for animals housed on DCC allotment sites to have the required welfare documentation.

New allotment lettings policy

24 DCC will continue to directly manage allotment sites in the future and needs to develop an allotment lettings policy that both provides a transparent mechanism for managing our allotments and facilitates ways to address current challenges that exist on our allotment sites.

25 DCC's proposed countywide allotment lettings policy has been developed by the Allotments Team working with the Northern Region Allotment Association and looking at examples of current regional allotment policies. The proposed policy provides guidance on:

Plot use

- Ensuring that plots are used as genuine allotments in order to comply with legislation.
- Ensure that communities in County Durham can access the wider benefits that come from genuine allotments such as improved physical and mental health, community development and environmental protection.
- Provide justification for the council subsidy that allotment tenants receive if the allotment is used for genuine allotment purposes.

Future costs

- Preventing activities that can lead to significant future costs for the council such as demolition costs for permanent buildings once tenancy ended and repair of land damaged by animals.

Planning

- Ensuring compliance with planning requirements for allotment buildings including the size and construction of buildings.

Animal welfare

- Ensuring that animals unsuited to allotments are not kept on our sites.

26 As part of the review process the group received detail of DCC's current allotment lettings policy and DCC's proposed countywide allotment lettings policy. The information provided to the group identified any new areas in the proposed policy and changes to areas in the current policy that will still be included in the proposed policy going forward.

27 The proposed policy identifies five new areas relating to tenancy limits, plot boundaries and fencing, vermin, water supply and rainwater capture, re-use and the storing of waste on plots.

28 In addition, the proposed policy is more specific in a number of areas relating to:

- Eligibility and plot allocation.
- Keeping and housing of animals and livestock.
- Treatment of weeds.
- Requirements for the keeping of bees.
- Restrictions on cropping and the percentage of the site that can be used for fruit trees.
- Change in percentage of plot used for housing permitted animals.
- Increase in the permitted height of hedges and fences.
- Ensuring compliance with current regulations for buildings and structures.
- Restrictions to prevent vehicles being kept on sites.
- Expands the range of issues that could be dealt with under the criminal activities clause in the policy.
- Management of bonfires or burning on sites.
- Termination of a tenancy and the need to improve the condition of allotments when they are handed back to DCC.
- A change in the rent year.

29 Included in the proposed policy is the eviction process which will be subject to the normal three months enforcement period involving two warnings (informal warning and the formal warning) followed by the Notice to Quit and then eviction.

Transition arrangements

30 A key element which had resulted in DCC's 2012 allotment lettings policy not being implemented was the lack of transition arrangements. The proposed policy will have transition arrangements detailing timeframes for the implementation of the various requirements in the policy. The majority of the requirements in the proposed policy would

need to be complied with immediately. However, in relation to some requirements contained in the proposed policy there are a series of planned transition periods for compliance as follows:

- 1 year transition period for:
 - Tenants who have moved outside of the county boundary
 - Dogs being kept on plots
 - Hedges that need to be reduced in height to 1.5m
 - Vehicles being kept on plots

- 5 year transition period for:
 - Large animals no longer permitted by the policy
 - Tenants who keep bees currently but are without the British Bee Keepers Association qualification

- Once the current tenant gives up the plot in relation to:
 - Tenants who are under 18 years of age
 - Tenants with more than two plots
 - Permitted animals not authorised by/registered with DCC
 - Small animals no longer permitted by the policy
 - More than 25% of the plot used for fruit trees/bushes
 - Fences higher than 1.5m or made with inappropriate materials
 - Large trees already on plots
 - Existing water supplies to individual plots
 - All building issues except for poor maintenance or non-cultivation in greenhouses and poly-tunnels

31 The review group agreed the transition periods detailed for the proposed policy with the exception of the five year transition period for large animals no longer permitted by the proposed countywide allotment lettings policy. The group commented that the transition period was too long and thought that a three year period was more appropriate in relation to this particular requirement. Following a detailed discussion, it was suggested by the review group that feedback from the extensive consultation to be undertaken with stakeholders should be used to inform the transition periods in the proposed policy for the removal of animals no longer permitted on allotment sites.

32 An extensive public consultation was undertaken by the Service Grouping which ran from 4 February to 31 March 2019. The consultation covered and required feedback on:

- the proposed policy and tenancy agreement;
- proposed transition arrangements;
- handing plots on to family and friends;

- site transfers to Town and Parish Councils;
- management of sites by associations;
- rent levels

(for further detail on the public consultation see page 22).

- 33 The proposed policy and tenancy agreement are more prescriptive in relation to the keeping and housing of animals and livestock. In addition, the proposed transition arrangements identify varying timescales for the removal of animals no longer permitted in the policy from allotment sites. The consultation included a specific question in relation to the transition arrangements asking whether respondents agreed or disagreed with the proposals to have differing times to comply with the tenancy agreement. Half of those that responded were in favour of the transition arrangements however a significant number, 32% were against.
- 34 In relation to consultation responses on the proposed policy, tenancy agreement and transition arrangements, the highest number of comments received related to the keeping of various animals on allotment plots including horses, ponies, hens, rabbits, pigeons, cockerels, pigs, goats, dogs, ducks, geese and ferrets.
- 35 A number of the responses received from the consultation related to the housing of horses and ponies and the use of allotment land for grazing purposes. Comments suggested that tenants using allotment plots for grazing were unable to afford the cost of land designated as grazing land.
- 36 The review group was informed that current tenants using allotment plots for the stabling of horses did not want change and had therefore responded to the consultation expressing their views.
- 37 It was highlighted by the Allotment Team that work is already ongoing with tenants and associations in the county changing how allotment sites are managed. Currently tenants who have taken over plots since 2015 are required to comply fully with the new tenancy agreement which includes restrictions on the housing of animals on allotment plots. This approach will gradually over a period of time return allotment plots to proper allotment use.
- 38 The review group recognises that the above approach allows the management of allotment sites to be changed gradually over a period of time, however, this could be a lengthy time period. Following a detailed discussion by the group the consensus was that there is a need for a defined transition period for the removal of large animals currently housed on allotment sites. It was agreed by the review group that a five year transition period is sufficient time for allotment tenants to make

alternative arrangements for the rehoming of large animals no longer permitted on DCC allotment sites. In addition, a specified transition period would provide consistency in enforcement of the proposed policy and tenancy agreement. It was recommended by the review group that the five year transition period identified in the proposed transition arrangements should apply for the removal of large animals from DCC allotment sites.

- 39 The review group commented on the importance of ensuring that all animals currently housed on DCC allotment sites have the required welfare documentation including passports/licensing and microchipping and in relation to those animals categorised as farm animals the required documentation by Department for Environment, Food and Rural Affairs (DEFRA). It was recommended by the review group that the service should ensure that this documentation is available and can be presented for all animals currently on DCC allotment plots.

Recommendation 1

That in relation to the requirements of the proposed policy and tenancy agreement concerning the housing of large animals no longer permitted on allotment plots, the five year period identified in the proposed transition arrangements should apply. In addition, that DCC ensures animals currently housed on DCC allotment plots have the required documentation.

Management of allotment sites

Key Findings

Management of DCC's allotment sites needs to be the responsibility of one service team within the Real Service Grouping.

Decisions on the future of allotment sites not used for purpose should be undertaken by an officer working group.

Need to provide an opportunity to establish area allotment associations.

Legal position clarifies that Town and Parish Councils formed prior to 1999 cannot be compelled to take over the management of allotment sites. Town and Parish Councils established post 1999 are the primary authority to manage allotment sites in their area.

Discussions to be undertaken with Town and Parish Councils regarding the possible transfer of allotment sites.

Transfer of allotment sites to Town and Parish Councils should only take place with the agreement of the local council with DCC providing advice and support for an agreed period.

Allotment review 2015

40 In 2015 the service carried out a full review of DCC's total allotment portfolio consisting of 167 allotment sites spread across the county. The results of the 2015 were updated in 2018, in preparation for DCC reviewing its allotment management arrangements. The review placed DCC allotment sites into the following:

- Allotment sites used for purposes are sites where the majority of plots are currently used for the proper purposes of an allotment – 107 DCC sites.
- Allotment sites mainly used for purpose are sites where the majority of plots are not currently used for the proper purposes of an allotment but could be converted back to allotment use with relative ease – 23 DCC sites.
- Allotment sites not used for purpose are sites where the majority of plots are not currently used for the proper purposes of an allotment and conversion back to allotment use would be very difficult and costly or where site is not sustainable in the long run – 37 sites.

41 In October 2017, as part of the scrutiny review process the group visited a number of DCC allotment sites in the county to see examples of all three site categories and sites under different forms of management including sites directly managed by DCC and allotment associations. The visit provided Members with the opportunity to see 'first hand' a number of challenges experienced on our allotment sites including:

- Non-allotment use of plot (e.g. garages, parking areas, work yards, animal compounds, private gardens etc.).
- Sub-letting/co-workers/family plots – plots have previously been illegally passed on or sold and there is an expectation by current tenants that this practice can continue in the future.
- Livestock/animals on plots that aren't suited to allotments.
- High fencing that makes the inspection of plots difficult.
- Accumulations of waste on plots.
- Oversized buildings that contravene planning regulations.

42 Whilst visiting Sherburn allotment complex at Sherburn Village, a site currently used for non-allotment purposes including work yards, Members were informed that management of the site is split between DCC's Allotment Team and Asset Services Team. This split in management arrangements exists on other DCC directly managed sites

and is a result of the asset transfer process during LGR. It was confirmed that Asset Services are responsible for nine allotment sites of which seven are leased.

- 43 The split in management arrangements between the two service teams has resulted in DCC allotment sites being managed differently in relation to engagement, enforcement, investment and inspection. In addition, there is no correlation in relation to rents charged for what are designated allotment sites. The review group commented that any future DCC allotment management arrangements need to have consistency in approach and in order to achieve this the review group recommends that all DCC allotment sites in the future are the responsibility of one DCC service team.

Recommendation 2

That the Corporate Director of Regeneration and Local Services ensures that all DCC directly managed allotment sites in the county are managed by one DCC service team.

Allotment sites not used for purpose

- 44 DCC's current allotment portfolio contains 37 allotment sites not used for purpose with the majority of these sites used for stabling, grazing land, work yards, garages, parking spaces and house gardens (not used for the proper purposes of an allotment) and where conversion back to allotment use would be very difficult and costly. During the visits undertaken by the review group Members saw clear examples that some DCC allotment sites are being used for purposes other than allotment use.
- 45 In relation to DCC's future management arrangements for allotment sites not used for purpose, it is proposed that the approach will consist of establishing a review group of officers from the Allotments, Assets and Legal Services to undertake a site-by-site review. The review would look at options including: conversion back to allotments; retain but lease out as garages/stables/gardens etc.; sell as individual plots with priority to sitting tenants or as a whole site for development with the Real Management Team ultimately determining as to whether the site is to be retained. Those sites which are agreed for disposal will follow the normal DCC disposal process.

- 46 All future management options have potential impacts including:

- Conversion back to allotments - tenants may be unhappy at having to use their plots for allotment purposes only and there will be a significant cost to DCC for converting plots back to allotment use.
- Leasing plots for alternative use – revised tenancy agreement with clauses that suit the use of the plot, revised rents (garage-£60 including VAT plus on-off licence fee of £180 including VAT, stabling/grazing – rent based on size and demand and private garden – rent based on size) and future management responsibility and associated resources.
- Selling plots/sites – resource to prepare and process sales, requirements to achieve fair market value and inclusion of restrictions on use /or clawback for change of use.

47 In addition, any allotment site not used for purpose which is designated a statutory allotment site which is to be leased for alternative use or sold, would require an application by the authority to the Ministry of Housing, Communities and Local Government (MHCLG), for the site to be no longer designated as a statutory site. As part of this process DCC has to identify alternative land provision for use as a statutory allotment if there is an under supply of allotments in that particular area. This process can be challenging in relation to local land availability and cost.

48 It was confirmed to the review group at its meeting on the 10 June 2019 that a Project Officer would be appointed to oversee and progress the work in relation to allotment sites not used for purpose. Once the future of allotment sites not used for purpose have been determined the remaining allotment sites will be DCC's future allotment portfolio to which the proposed policy, tenancy agreement and transition arrangements will apply.

49 The review group supports the proposed approach and recommends that DCC undertakes a complete review of allotment sites not used for purpose consisting of a site by site review including consultation with local councillors, tenants, applicants on the waiting list and residents.

Recommendation 3

That the Corporate Director of Regeneration and Local Services establishes a review group to undertake a complete review of allotment sites not used for purpose and that the review group:

- Considers each site on an individual basis;
- Undertakes site based consultation meetings;

- Considers whether tenancy agreements on retained sites are transferred to match the purpose for which the plot is used e.g. garage use;
- Ensures that the sale of sites is handled under the Land Disposal Policy subject to Ministry of Housing, Communities and Local Government approval where the site is a statutory allotment.

Future management options

50 The options proposed by the ReaL Service Grouping for the future management of DCC allotment sites retained for allotment use (i.e. allotment sites used for purpose and allotment sites mainly used for purpose plus any allotment sites not used for purpose retained for allotment use following the review) are:

- Direct Let by DCC – DCC owns the site and leases individual plots directly to tenants. DCC is responsible for all repairs and maintenance and takes full responsibility for enforcement action. This is a high cost, high control option with greater staff involvement and there is low tenant engagement.
- Self-Management by Associations – DCC would retain ownership of the sites and would continue to directly lease plots to tenants but responsibility for the day-to-day management of the sites would be transferred to an Allotment Association. This would include waiting list management, plot allocation, all repairs and maintenance and early enforcement procedures. However, DCC would retain the authority to undertake formal enforcement and evict tenants from the plots. The costs associated with this option is reduced from the first option. This option would have a moderate level of control from DCC but would have a high reliance on competent volunteers.
- Lease to Associations – Again, DCC would retain ownership of the site, but would lease in full to an association who would sub-let plots to individual tenants on their own tenancy agreements. The association would take all responsibility for managing the site and the individual plot holders. This would have a low level of DCC control and would be a lower cost option to the authority. It would have a very high reliance on competent volunteers and would create higher tenant engagement in relation to site issues.
- Transfer to a Trust – This option is similar to leasing to associations but all or a large number of sites would be leased to a trust, which could then lease the entire sites to a sub group as well as plots to individual tenants. Transfer of ownership to the trust is also an option rather than lease only. This option would have little or no

DCC control and there would be no cost to the authority. There would be high reliance on volunteers.

- Transfer to Town and Parish Councils – Ownership of sites is transferred to the relevant local council with all responsibilities and benefits associated with managing allotments being transferred with them. This option would result in no DCC control and there would be no cost to the authority. However, local councils come in various sizes and there could be capacity issues for some to take control of all allotment sites.

51 During visits undertaken by the review group it was highlighted by the Allotment Team that there are a number of allotment sites in the county where the number of allotment plots on those sites are too few for tenants on those sites to form self-managed allotment associations.

52 It is recommended by the review group that in those areas of the county where the number of allotment members on an allotment site is too few to establish a self-managed association then DCC actively promotes the option of area allotment associations with DCC preparing the appropriate self-management agreements. These area associations would consist of allotment tenant representatives from a number of allotment sites in close proximity to each other.

Recommendation 4

That the Corporate Director of Regeneration and Local Services establishes area allotment associations where appropriate to take over day to day management and control.

The Role of Town and Parish Councils in the Management of Allotment Sites

53 Under the Small Holdings and Allotments Act 1908, councils are under a duty to provide a sufficient number of allotments if they are of the opinion that there is a demand for them. Subsequent Acts of Parliament have built on this to give further guidance in relation to the management of allotments.

54 The Local Government (Parishes and Parish Councils) Regulations 1999, regulation 10 states that: *“Land held for the purpose of the Allotments Act 1908 to 1950 where immediately before the order in an area constituted as a parish by an order it shall on the order date transfer to and be vested in the parish or if there is no such council, the parish meeting for that parish.”*

- 55 At the beginning of this review, the authority had interpreted the Local Government (Parishes and Parish Councils) Regulations 1999, regulation section 10 to mean that all allotment sites in areas where there are local councils should be transferred to them.
- 56 As part of the review process Members of the review group, at their meeting on the 16 February 2018 met with representatives of local councils some of which had responsibility for allotment sites and some that did not. During the meeting the review group received evidence on how they currently managed allotments and their views and opinions in relation to DCC transferring ownership of allotments to them.
- 57 Those Town and Parish Councils that had taken over responsibility for the management of allotment sites stressed that parish clerks were employed for a limited number of hours per week/month and that the management of allotment sites were currently taking a large proportion of their time and that they struggled to fit in other duties. Not only was allotment management time-consuming it was also costly and many local council representatives reiterated the issue of costs incurred in relation to repairs and maintenance. Those representatives that did not have control of allotment sites were concerned at the amount of involvement needed to manage allotments including the cost when they have limited resources and access to legal advice.
- 58 The number of allotment sites currently under DCC management proposed for transfer to each local council was different. The largest number suggested to be transferred was 31 sites to a Town Council with approximately 1446 allotment plots that were in varying degrees of condition. Even those local councils receiving only a few sites may find that they were in poor condition.
- 59 Following engagement with local council representatives DCC was challenged on its interpretation of The Local Government (Parishes and Parish Councils) Regulations 1999, regulation 10 and changed its stance with DCC's legal services advising that DCC could not compel transfer of the management of allotment sites to local councils established prior to 1999. Transfer of allotment sites to local councils would only take place if the local council was prepared to undertake the future management of these sites. It was confirmed that Town and Parish Councils established post 1999 are the primary authority to manage allotment sites in their area.
- 60 As part of the consultation process on the proposed policy, tenancy agreement and transition arrangements respondents were asked whether they agreed or disagreed with DCC's approach to encourage local Town and Parish Councils (where they exist) to take over

allotment sites in their area. It was confirmed that 50% of respondents were in favour of the approach with 17% against.

- 61 The review group recommends that the Regeneration and Local Services service grouping have discussions with Town and Parish Councils in relation to taking over the management of allotment sites and that during these discussions detail should be provided of the financial risk analysis. Where Town and Parish Councils are willing to undertake the management of sites, arrangements are made to transfer these sites to the respective Town and Parish Council with DCC providing advice and support for an agreed period.

Recommendation 5

That the Corporate Director of Regeneration and Local Services undertakes discussions with Town and Parish Councils that have expressed an interest in taking over the management of allotment sites. Should any Town and Parish Council wish to take over the management of any current DCC allotment site then advice and support should be provided by DCC for an agreed period.

Consultation

Key Findings

Over 80% of respondents to the consultation disagreed with the proposal that tenants could not pass their plots on to family or friends (co-workers).

DCC needs to reconsider the process for the allocation of allotment plots to co-workers and how it publicises the need for co-workers to register.

That the service looks at the feasibility of providing smaller sized plots.

- 62 A public consultation was held from 4 February 2019 until 31 March 2019 that sought the views of allotment holders, interested parties and the general public on the proposed allotment policy, tenancy agreement and transition arrangements. A press release and social media posts highlighted that the consultation was taking place with consultation packs available at customer access points, libraries and were available online. Individual letters had been sent to all tenants, co-workers, waiting list applicants, Associations and Town and Parish Councils.

63 The service received 322 responses to the consultation questionnaire. The majority of responses to the consultation were received from allotment tenants, with 10% of all tenants on the allotment list responding. Of the responses received, most tenants indicated that they used over half their plot for growing fruit and vegetables and agreed with the general direction of the proposed policy and tenancy agreements.

64 In relation to co-workers (family or friends who help work the plot), many respondents disagreed with the proposal that tenants could not pass their plots on to family or co-workers. Over 80% of responses received felt that tenants should be allowed to pass on their plots to co-workers (see question from consultation below). However, the review group was informed that DCC's current policy requires co-workers to be registered although most co-workers are not. It was confirmed by the service that the system in place for registration is straight forward and the need to register is publicised.

Do you feel that allotment tenants should be able to pass their plot onto a family member or a friend?	
11%	No, plots should be offered to the next person on the waiting list
12%	Yes, but only if they have been registered as helping with the plot longer than anyone on the waiting list.
34%	Yes, but only if they have been registered as assisting with the plot for several years
35%	Yes, regardless of whether other people are waiting for a plot on that site.

65 For co-workers to inherit a plot they must have been registered for three years and no applicant on the waiting list has been on the list longer than the co-worker has been registered. Therefore, DCC's current allotment policy gives residents on the waiting list priority over co-workers in the allocation of plots.

66 Due to the high number of responses to the above question the review group felt that there is a need for further consideration to be given to the process for the allocation of plots to co-workers. The group commented that co-worker's previous contribution to the continued cultivation of a plot should be recognised. The review group recommends that, subject to legal advice, the proposed policy should reflect this by acknowledging their previous years of commitment to working the plot. In addition, DCC needs to actively encourage co-workers to register their interest in a particular allotment plot.

67 Responses received from the consultation process in relation to the policy and tenancy agreement suggests smaller sized plots would be more manageable for tenants who found large plots difficult to cultivate

and did not need or want to grow as much fruit and vegetables. It was recommended by the review group that the service consider the feasibility of providing smaller sized plots if there is a demand.

68 Following feedback from the consultation the review group suggests that the service has a structured approach to the implementation of the proposed changes in policy and tenancy agreement to ensure a smooth transition. The service responded that it is intended to have a programme of implementation and they would work with Legal Services to introduce a sensible structured formal phasing of the proposed policy, tenancy agreement and transition arrangements.

Recommendation 6

That DCC, subject to legal advice, reconsiders the process for the allocation of plots to co-workers within the proposed policy by acknowledging their previous contributions whilst not registered. In addition, DCC needs to actively publicise the need for co-workers to register.

Recommendation 7

That DCC, should there be demand, considers the feasibility of providing smaller sized allotment plots where appropriate.

Allotment Rent

Key Findings

DCC has increased allotment rent by £1 per allotment plot per year with the cost of a DCC directly let plot £45-£55 per year.

DCC currently subsidises each directly let plot by £110.37 per year.

County Durham on a regional basis charges the second lowest rent per allotment plot.

If a significant increase in rent per allotment plot is introduced, then this increase should be via annual incremental increases.

69 DCC currently charges £45 to £55 rent per plot per year however the total cost to DCC per plot per year is £160.37 which is based on direct costs and overheads split equally over the number of DCC direct let plots. This results in DCC subsidising each directly let plot per year by £110.37. It was confirmed that DCC has increased the rent per allotment plot by £1 per year in line with the Retail Price Index. It was

highlighted that the provision of plots at a subsidy can be justified by the wider social and health benefits of allotments.

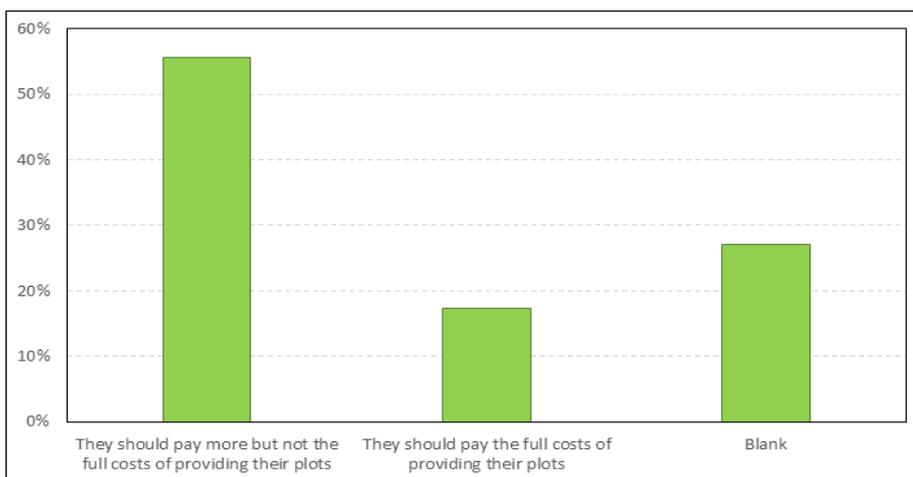
70 In relation to DCC sites managed by associations (self-managed), DCC receives no rental income in relation to the self-managed sites however the total cost to DCC per plot per year of £21.73 is also the total amount of subsidy per plot per year.

71 When comparing the annual rent charged for an allotment plot on a regional basis County Durham has the second lowest rent amongst similar authorities. The table below shows the current rent charged per allotment plot by various North East local authorities.

Council	Annual Rent for 200m² - 250m² Plot
Darlington	£145.00
South Tyneside	£98.70 - £105.60
North Tyneside	£85.50 - £103.50
Middlesbrough	£69.00
Hartlepool	£57.00 - £65.00
Gateshead	£52.00
Durham	£49.00
Stockton	£35.00

72 The review group recognise there is a growing awareness of the role gardening plays in both preventing and alleviating mental ill health. The physical benefits of regular spells of gardening help keep plot holders fit, maintain a good gait and balance in older gardeners and help with cognitive decline.

73 The extensive public consultation on the proposed policy and transition arrangements (for further detail of consultation see page 22), had included a question asking whether respondents agreed or disagreed that the council should charge its tenants and associations more for an allotment plot. The number of respondents that agreed to an increase in rents was higher than expected with 30% of respondents agreeing to an increase whilst 43% of respondents were against. An additional analysis, as shown in the chart below suggests that 18% of respondents felt that allotment holders should pay the full costs of providing their plots. However, over 50% thought that tenants should pay more rent than they are currently paying but there should still be a subsidy from the local authority.



Source: Presentation to Review Group 10 June 2019

74 It was recommended by the review group that a rental review is undertaken by DCC’s Allotment Team as part of the ongoing review of DCC’s future allotment management arrangements. The review group recognise the health and wellbeing benefits associated with allotment gardening and felt that this should be taken into consideration when undertaking the review. It was felt by the review group that a rental review would be timely with the possible introduction of the proposed policy, tenancy agreement and transition arrangements and would also provide an opportunity for DCC to consider the level of subsidy currently provided. In addition, the review group also recommends that should DCC determine to undertake a rental review and this review results in an increase in rental charges, should this increase in annual rent per allotment plot be significant, then this increase should be introduced via annual incremental increases.

Recommendation 8

That DCC considers undertaking a rental review of DCC’s allotment portfolio, however, as part of this review recognition is given to the health and wellbeing benefits associated with the cultivation of allotment plots. Should the rental review determine an increase in rent per allotment plot and that increase is significant, then DCC should introduce this increase via annual incremental increases.

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Allotment Update



**Environment
and Sustainable
Communities OSC**



Purpose and Outline of Presentation

Seek (reaffirm) your views on service development which respond to ESCOSC recommendations from January 2020

- Reminder of allotment provision in County Durham
- Recap on the original recommendations from ESCOSC.
- What has happened since then, including investments.
- Potential safeguards, to respond to concerns expressed.
- Next steps, incorporating views from ESCOSC

Introduction

Definition: Land for an individual to mainly or wholly grow fruit and vegetables for their own family.

Important; health, community, cost of living. Waiting list over 2,300 (increased with covid).

Statutory basis: Legal requirement (lowest tier of Local Government) to provide where demand exists. Protection for designated allotments, requiring SoS approval for disposal.

Inherited at LGR (from Districts): 166 sites , 4000 plots

Mixed management approach: direct letting (102 sites, 995 plots) through Allotment Associations (55 sites 2,429 plots).

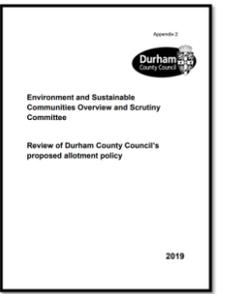
Town and Parishes – an additional 44 sites.

Mixed Use – majority are used for cultivation, some sites are gardens, garages, grazing and other uses.

Comprehensive review by ESCOSC concluded in January 2020 with report to Cabinet.



ESCOSC Recommendations to Cabinet 2020



- Large animals (horses, pigs) no longer permitted on allotment plots, with a transition period of 5 years to be adopted.
- All DCC directly managed allotment sites in the county are managed by one DCC service team (currently 2 sites are managed by Corporate Property and land, the remainder DCC Allotment Service). ✓
- To undertake a complete review of allotment sites that are not used for purpose (some for instance are garage sites, gardens, grazing paddocks). **Part**
- To encourage establishment of allotment associations where appropriate to take over day to day management and control. ✓
- Undertake discussions with Town and Parish Councils that have expressed an interest in taking over the management of allotment sites. ✓
- That subject to legal advice, reconsider the process for the allocation of plots to co-workers within the proposed policy by acknowledging their previous contributions whilst not registered furthermore there is a need to actively publicise the need for co-workers to register. ✓
- That should there be demand, the Council considers the feasibility of providing smaller sized allotment plots where appropriate. ✓
- That the Council considers undertaking a rental review of all DCC allotment sites **Planned**

Reaction to the Report to Cabinet

- Concerns expressed about large animals no longer permitted.
“Horses are my life”
- Feeling expressed by some Associations *“One size doesn’t fit all”*
- Concern from some Associations on loss of flexibility and empowerment.
- Feedback that some controls eg waste on site may be too prescriptive.
- Cabinet position at time to take stock of ESCOSC and Feedback
- Covid Impact.

So what has been done since then?

- Smaller plots when opportunity arose (ESCOSC Recommendation).
- Promoting the Co-Workers Register (ESCOSC Recommendation).
- No new plots with animals allowed – natural reduction when tenancy finishes on a plot (consistent ESCOSC).
- Audit of sites to understand the different uses (consistent ESCOSC)
- Engagement with Towns and Parish Councils (ESCOSC recommendation)
- Investment in Team – 4 new Members of staff and 3 person practical action team (fencing, pathways, restoring plots, fly-tipping).
- Consideration of potential safeguards responding to concerns.
- Fires on allotments an issue – controls incorporated in Tenancy Agreements.
- Developed plans for new small grant scheme to support Associations.

Impact of Investments

Recultivation for letting



 **Allotments** 

-  **Fresh Air**
-  **Exercise**
-  **Gardening Skills**

-  **Low Cost Food**
-  **Meet New Friends**

A number of plots now available for immediate allocation.

Email: allotments@durham.gov.uk
Or call 03000 264376



Suggested Safeguards from Scrutiny Report

- If they are accepted in full, the following safeguards for large animals are suggested:
 - Exclude sites that are not allotments (eg grazing paddocks).
 - Give powers to Associations to make exceptions in conjunction with the Council.
 - Where relevant exclude perimeters of existing sites , which is generally where the animals are kept. When the tenant leaves – return to cultivation.
 - Would involve increased welfare checks (ESCOSC Recommendation)
- Proposals communicated to Associations and Tenant including exclusions.
- New Tenancy Agreements issued to reflect the above.
- Transition period for all changes.

Conclusion and Considerations

- Many of the original ESCOSC Recommendations were uncontentious and progress has been made in furtherance of them.
- Safeguards (including exclusions) and transition plans have been devised for large animals and other changes in new tenancy agreements.
- In addition the service has invested in new staff to allow greater presence and support on sites, and better standards. They are also consistent with ESCOSC recommendations for improvement.

Suggested Next Steps

- Report to Cabinet, implementing ESCOSC recommendations with safeguards and *incorporating feedback from today*.
- Engage with Associations and Tenants highlighting safeguards.
- Launch a new small grant scheme for allotment improvements and supporting more Associations.
- Renew engagement with Towns and Parish Councils regarding potential Transfer.
- Whilst greater controls for fires included in tenancy agreements, this issue needs wider review and further engagement.